

ASEAN's Role in the Democratization of Burma:

An Analysis of Burma's Transition and the use of ASEAN by International Actors to produce liberal change in the former “Rogue State”

Honors Research Thesis

Presented in Partial Fulfillment of the Requirements for graduation “with Honors Research Distinction in Political Science” in the undergraduate colleges of The Ohio State University

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April 2014

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LIST OF ACRONYMS AND ABBREVIATIONS

ABMA	All Burma Monks' Alliance
ABSU	All Burma Students' Union
AIPMC	The ASEAN Inter-Parliamentary Myanmar Caucus
ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
BSPP	Burmese Socialist Programme Party
EU	European Union
LDC	Least Developed Country
MP	Member of Parliament
NGO	Non-governmental Organization
NLD	National League for Democracy
NTS	Nontraditional Security Threats
R2P	Responsibility to Protect
SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
TCG	(ASEAN-Myanmar-UN) Tripartite Core Group
UN	United Nations
UNDP	United Nations Development Program
US	United States
USAID	United States Agency for International Development
USDA	Union Solidarity and Development Association
USDP	Union Solidarity and Development Party
WMD	Weapons of Mass Destruction

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This study analyzes the current liberalization of Burma within the democratization frameworks presented by Samuel P. Huntington (1991) and Juan J. Linz and Alfred C. Stepan (1996). Although liberalization in the direction of democratization began with the 2010 national election, an official democratic transition phase did not begin until the parliamentary by-elections in 2012. I use the frameworks of these scholars to present where Burma currently is in transition and what hinders the country from progress in its democratization. To explain the timing and reasons behind Burma's democratization, I introduce independent variables from both Huntington's Third Wave literature and international relations theories on sovereignty and legitimacy. These variables will be used to show how actors were able to use ASEAN, the regional organization encompassing Burma, to produce liberal change within the country.

INTRODUCTION

The Cold War period witnessed a new era of developing democracies. Former authoritarian regimes democratized, and many newly independent states created in the aftermath of colonization adopted democratic values from their colonizers. The end of the Cold War was marked by the triumph of Western values, notably liberal democracy and capitalism. This success was significant in the institutionalization and legitimation of democracy and individual freedoms, turning them into universally recognized values. States not willing to conform to the global trend, or states that specifically identified themselves against these values became stigmatized, many receiving the title of "rogue state" by the Western world.

Burma, a country located on the mainland of Southeast Asia, is an example of one of these stigmatized states that rejected the ideals of open markets, liberal democracy, and interdependence. Over the past half century, the more democratic values have become institutionalized and widespread, the more difficult it has become to be a valid player in the international system of states. For years, the Western world, particularly the United States, has engaged in a crusade for Western democracy, attempting to coerce states into transitioning to democracy, or intervening and forcibly implementing structures of democratic government.

Burma is a unique case in that after 48 years of direct military rule, the longest surviving military dictatorship in the history of modern states, and extreme isolation, it opened up to the outside world, liberalizing economically and politically. Why did Burma suddenly begin to democratize after 48 years of oppressive military rule? I argue that the system of states is changing, creating a world where survival depends on a state's ability to be recognized as a cooperative and engaged player on an international playing field where democracy and human rights have defined the structure, making this structure the "only game in town." Burma began liberalizing and progressing along a path of democratization in response to this changing system. Democratization was initiated in response to the need for recognition in the international system of states and institutions, which it believed obtainable through chairing ASEAN, the Association of Southeast Asian Nations, the most important collective organization in the region.

ASEAN was created during the Cold War time period. The association was established as a mechanism for the newly independent states of Southeast Asia to enhance their image in a world of powerful states and competing ideologies. Unlike the comparable organizations in the West, ASEAN was not concerned with spreading democracy or fostering international security through any type of legal framework. As a battleground of competing Cold War ideologies, and

an area recently freed from great power colonial rule, the Southeast Asian nations sought to develop an organization that would strengthen their international image and right to exist, while allowing them to organize their own political and economic systems as they pleased.

Burma was admitted to ASEAN in 1997.¹ For Burma, joining meant gaining recognition as a valid member of the Southeast Asian political community, which in turn it believed would grant it recognition at the international level. By the time of Burma's admittance, ASEAN had developed strong diplomatic ties with important Western actors, particularly the United States and the European Union. Because of this, not only had ASEAN as an organization gained recognition but the individual member states had as well, as successful dialogue partners of the Western actors. It was this recognition that Burma hoped to gain, having witnessed a level of success in obtaining recognition by the other member states.

Burma's admittance did not win the successful recognition that it had desired, and it also threatened the credibility and legitimacy of ASEAN as a collective regional association. Western dialogue partners criticized the association and individual member states for admitting Burma, a country viewed by the West as rejecting international standards of democracy and human rights. They also asserted that Burma was now ASEAN's problem.² Member states were caught in a limbo between upholding the important ASEAN principles of non-intervention and quiet diplomacy and protecting their relationships and state legitimacy with dialogue partners. The spread of democracy throughout Southeast Asia, mainly in Thailand, the Philippines, and Indonesia, also created political space for democratic values to be introduced to ASEAN and the other non-democratic members.

¹ Stephen McCarthy, "Burma and ASEAN: Estranged Bedfellows," *Asian Survey* 48, no. 6 (2008): 911.

² Lee Jones, ASEAN, sovereignty and intervention in Southeast Asia, (New York: Palgrave Macmillan, 2012), 190.

Issues of credibility and legitimacy for the association and its members only increased as the Burmese regime refused to acknowledge or ignored international criticism. Arguably the most threatening criticisms of both ASEAN and Burma came in 2005, the year before Burma was scheduled to chair the organization. Western dialogue partners threatened diplomatic and economic sanctions on the association, and individual member states were impelled to force Burma to step back. Burma relinquished its turn after being pressured by leaders of the individual member states on behalf of ASEAN. For Burma this signified a turning point where the regime realized that simply being a part of the organization would not earn international recognition. Although ASEAN spokespersons argue that the association is committed to a diplomacy in which individual state sovereignty is most important and member states will not intervene in the domestic affairs of other members, this commitment has clearly been abrogated. Turning down the right to chair the association in 2006 brought significant shame and embarrassment to the regime. I argue that the Burmese regime came to the realization that chairing the organization was the gateway to international recognition.

In 2008 a Burmese constitution was drafted and passed; a national election was held in 2010. Although corruption and oppression were evident in both events, unprecedented and unexpected change occurred when the military junta stepped down in 2011, turning over power to the newly elected President Thein Sein and national parliament. In the same year, Burma requested ASEAN to be allowed to chair the association in 2014, two years before its scheduled turn at that time. To much outside surprise and weariness on the part of its members, ASEAN accepted the request.³ For its part, based on its 2005-2006 experience,

³ “ASEAN Community in a Global Community of Nations,” Address presented at Chair’s Statement of the 19th ASEAN Summit in Indonesia, Bali, (November 2011).

Burma recognized that it would need to maintain progress towards democratization in order to successfully be handed over the duties of chair in 2014.

As a political analyst, I am intrigued by Burma's desire to chair the association only two years before its next scheduled turn, based on a 10 year rotation. Weighing the available evidence, I argue that the timing of liberal and democratic reforms in Burma can best be explained by the desire to chair the organization prior to the scheduled year, in order to show the rest of the world that it was capable of being an economically competitive and politically important state, particularly in the eyes of the United States and European Union. As chair, the country is responsible for planning, administering, and leading all summit and dialogue meetings among leaders of the member states and of other dialogue partners. For Burma, these responsibilities would prove to the West that it deserved recognition and credibility.

My thesis is divided into three major parts, with subsections. Part I describes the concepts of democracy, democratic transition, and democratic consolidation as defined by a variety of political scientists and internationally recognized organizations. All of these concepts come together to define democratization. The subsection on democracy shows the complexity of the concept and explains the differences between liberal and electoral democracies. In the subsections on transition and consolidation, I describe different theories of how democratic transition begins, how it progresses, and how a country consolidates its democracy based on hypotheses and frameworks developed by Samuel Huntington, and Juan J. Linz and Alfred Stepan.

In Part II, I take the definitions and frameworks outlined in Part I and apply them to Burma, showing where Burma is in the democratic transition phase and what aspects of society are hindering further progress. I begin with a historical country analysis, outlining political aspects of the region in the pre-colonial era, highlighting the consequences of colonial rule for the

development of the state and military after independence, and discussing how military rule persevered into the 21st century. I then explain the Burmese transition as a transition initiated by the authoritarian elites, using the hypotheses and frameworks outlined in Part II. Continuing with the framework of Linz and Stepan I explore the actions that have successfully furthered liberalization, as well as those that will prevent further progress unless changes are made. Part III answers the main theoretical question of my thesis, why did Burma democratize? In this part, I introduce international relations theories of sovereignty and legitimacy, as well as describe the important role that institutions play in creating and maintaining international order. From a chronological outline of events in Burma and responses from ASEAN, I develop the argument that the timing of significant liberalization can be explained through the desire to chair the association in hopes of obtaining international credibility and legitimacy as a state actor.

PART ONE:

DEFINING DEMOCRACY, TRANSITION & CONSOLIDATION

DEMOCRACY

The most common element among political scientists for conditions defining democracy is the occurrence of free and fair elections. Robert Dahl proposed that democracy has two dimensions: contestation and participation in elections.⁴ Joseph Schumpeter's "democratic model" defines a democracy as the "institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."⁵ Samuel Huntington elaborates further, defining a 20th century democratic political system as one that encompasses the ideas that the election must not only be free and fair, but also regular and that the entire adult population be eligible to vote. For elections to be considered free, certain basic civil and political rights must exist in society. In particular are the basic freedoms of speech, assembly and organization, which are necessary for open political debates and campaigns.⁶ Leaders may be elected through free and fair elections, but once in power may not exercise real authority, instead acting in their own interests, or the interests of a specific group. A limitation on power becomes vital for democracy, meaning that elected leaders do not have the right to exercise total power and power is shared among other groups in society.⁷

Freedom House differentiates between an electoral democracy and a liberal democracy. For a country to qualify as an electoral democracy, there are four minimum standards that have to have been met in the last national election: a competitive, multiparty political system,

⁴ Samuel P. Huntington, The Third Wave of Democratization in the late twentieth century. (Norman: University of Oklahoma Press, 1991) 7.

⁵ Joseph A. Schumpeter, Capitalism, Socialism, Democracy (New York: Harper & brothers, 1947) 269.

⁶ Huntington, 7.

⁷ Ibid., 10.

universal adult suffrage for all citizens, regularly contested elections with ballot security and secrecy and the absence of voter fraud, and open public access of political parties to the electorate through media usage and campaigning mechanisms.⁸ A liberal democracy, on the other hand, encompasses all the basic requirements of an electoral democracy but includes the presence of civil liberties.⁹ A rating of “FREE” by Freedom House requires that the country be both an electoral and a liberal democracy. Countries with “PARTLY FREE” ratings include countries that are electoral, but not liberal democracies.¹⁰

The process of liberalization is a necessary component of democratization. A country can, however, not be considered democratic solely because it has liberalized certain aspects of political and civil society. Liberalization entails policy and social changes administered by the regime that open up society in the direction of democracy.¹¹ The liberalization of a country brings about the partial opening of the regime but does not go as far as to submit leaders to free and fair competitive elections.¹² Easing the censorship of media, introducing legal safeguards for individuals, releasing political prisoners, inviting exiled individuals to return, toleration of the opposition and the acceptance and allowance of groups and organizations in civil society are examples of liberalization efforts.¹³ The liberalization of a country is a step towards democratization and is normally the preliminary step in a democratic transition period introduced by the authoritarian regime. Democratization includes liberalization, but goes further to include open contestation for the right to exercise control, creating the necessity for free and fair

⁸ “Freedom in the World 2014 Methodology,” Freedom House, accessed September 2013.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Juan J. Linz & Alfred C. Stepan, Problems of Democratic Transition and Consolidation: Southern Europe, South America, and post-communist Europe (Baltimore: Johns Hopkins University Press, 1996) 3.

¹² Huntington, 9.

¹³ Linz & Stepan, 3.

elections.¹⁴ Donald Share and Scott Mainwaring emphasize the establishment of institutions that allow for alteration in power as an essential component of democratization.¹⁵ Democratization is defined as the process that ends a nondemocratic regime, creates a democratic regime and consolidates the system.¹⁶

DEMOCRATIC TRANSITION

The transition to democracy begins first through ending authoritarian rule and the decision to hold national democratic elections, in which there is open contestation and no limitation on the right to participate, in both running for office and voting. Linz and Stepan have defined a democratic transition as complete when:

Sufficient agreement has been reached about political procedures to produce an elected government, when a government comes to power that is the direct result of a free and popular vote, when this government *de facto* has the authority to generate new policies, and when the executive, legislative and judicial power generated by the new democracy does not have to share power with the other bodies *de jure*.¹⁷

Within the political procedure, a date for the election, and for when the newly elected government will be sworn into office, needs to be set and agreed upon. This date, in turn, must be observed following the election, allowing for a turnover of power to the newly elected officials. The transition from an authoritarian government to a democratic government normally includes the creation of a new constitution, or major revisions to the existing constitution of the authoritarian state. For this reason, the government exercises *de facto* creation of the new policies and conditions of the future democratic government, as

¹⁴ Linz & Stepan, 3.

¹⁵ Donald Share & Scott D. Mainwaring, "Transitions through transaction: Democratization in Brazil and Spain," in *Political Liberalization in Brazil: Dynamics, Dilemmas, and Future Prospects*, ed. Wayne A. Selcher. (Boulder, CO: Westview Press, 1986), 177.

¹⁶ Huntington, 9.

¹⁷ Linz & Stepan, 3.

democratic principles and procedures are not a *de jure* aspect of the constitution, given that a prior constitution exists. In the absence of a constitution, policies, laws and procedures must be created *de facto* until a constitution has been created, allowing for the authority and principles to become *de jure* concepts.¹⁸

The separation of powers, particularly between the three recognized branches of government is an important aspect of democracy. Without the separation of powers, a checks and balance system will not endure. It is important in the transition period that there is a *de jure* separation between the executive, legislative and judicial powers, in order to create transparency between them. *De jure* separation is also important in ensuring that the judicial and legislative powers do not become an extension of the executive branch, and vice-versa.¹⁹ It allows for policies and procedures to be set in stone and available to the general public, making it more difficult for the government to make case-by-case and interest-based decisions. A move from a horizontal arrangement to a vertical arrangement of the three branches of government is an important aspect for a country during the transition phase.

Prior to announcing national elections, holding elections, and swearing a new government into office, the first step in the transition process is the decision to move from an authoritarian regime to a democratic government. Among democratization scholars, different terms are used to describe processes of transition. Samuel Huntington refers to three processes: “transformation,” democracy being brought in by the elites in power in the authoritarian government, “replacement,” democracy being brought about by opposition groups, and “transplacement,”

¹⁸ Interpreted from the constitution-making contexts outlined by Linz & Stepan in Problems of Democratic Transition and Consolidation: Southern Europe, South America, and post-communist Europe, 82-83, as well as from Linz’s discussion on the importance of constitution making in democratic transitions in “Transitions to Democracy,” 157. Juan J. Linz, “Transitions to Democracy,” *The Washington Quarterly* 13, no. 3 (1990): 157.

¹⁹ “Freedom in the World 2014 Methodology.”

democratic turnover through a joint action of government and opposition groups. Donald Share and Scott Mainwaring refer to three democratization processes as “breakdown or collapse,” similar to Huntington’s replacement transition, “extrication,” similar to Huntington’s transformation, and “transaction,” drawing on similarities to Huntington’s transplacement. A third scholar, Juan J. Linz, recognizes only two processes of transition and refers to them as “reforma-pactada” and “ruptura-pactada,” similar to Huntington’s transformation and replacement respectively.²⁰

Huntington argues that there are five major reasons why a transformation can take place. He states that elites may choose to move in a democratic direction due to increasing costs of staying in power. Second, elites hope to reduce potential future risks that would result from maintaining current power and losing it later. Third, elites use democratization in an attempt to combat declining legitimacy with the anticipation of renewing their legitimacy through elections. Fourth, elites may be motivated by reforms believing democracy would produce needed benefits for the country. Finally, the elites may believe that democracy is the correct form of government.²¹ In this process, reformers obtain more control than the standpatters in the government. The reformers then need to subdue and convert the standpatters in government and foster a growing relationship with opposition groups in society. Lastly, a sense of inevitability about democratization needs to be created in order to establish the idea that it is the necessary and natural course of action.²² Share and Mainwaring’s process of transition through extrication differs slightly in that it doesn’t focus on the levels of power between the government reformers and standpatters. It argues instead that due to low levels of legitimacy and internal cohesion the

²⁰ Huntington, 114.

²¹ Ibid., 127-129.

²² Ibid, 141-142.

authoritarian regime chooses to remove itself from power. The elites control the beginning stages of the transition by setting the timeline and limits on initial changes.²³

In a transition by replacement, the roles of the standpatters and reformers are switched from that of a transformation. In a situation where a replacement occurs, the standpatters are the dominant force in the government and the reformers are weak or non-existent. Therefore, democratization cannot be initiated by the government, since the standpatters are against regime change. In this case, a transition is initiated by the opposition forces in society. The opposition gains enough power that it causes the government to lose strength and collapse, or be overthrown. Key components to this transition process include mechanisms to cultivate generals and win enough military support, the need to create umbrella groups for the multitude of opposition forces to promote unity in the force, and the significant illegitimacy of the current authoritarian government.²⁴ Following the collapse or overthrow, unity among opposition groups becomes necessary in order to advance in the transition process after the fall, especially in deciding what type of democratic government to create and how to go about installing it.²⁵ Share and Mainwaring also recognize a second transition process as a transition after regime breakdown or collapse, emphasizing that during this transition the elites exercise almost no role and, as a result, there are significant institutional changes brought about in the political and social realms.²⁶

The third possible transition to democracy shared in concept by Huntington and Share and Mainwaring is a process that involves negotiations and combined efforts of the government and the opposition. In Huntington's transplacement, it is argued that the transition to a

²³ Share & Mainwaring, 178-179.

²⁴ Huntington, 142-150.

²⁵ Ibid., 150.

²⁶ Share & Mainwaring, 178.

democratic government is the result of a balance between standpatters and reformers in government. Neither can unilaterally decide the future course of political development in the country because the opposition is not strong enough to bring down the government and the government recognizes its declining legitimacy and the increasing costs of non-negotiation.²⁷ Share and Mainwaring's idea of transition through transaction emphasizes that transition is initiated by the regime, creating limits to the political changes and remaining a significant electoral force during transition. The regime begins liberalization efforts, while remaining at the forefront of political change. The power of the regime then declines as the process of liberalization increases, creating more room for negotiations and cooperation.²⁸

DEMOCRATIC CONSOLIDATION

A successful free and fair election, and transition of power to the newly elected government, does not entail that a country is officially democratic. Following these stages of transition, the country enters into the final phase known as the democratic consolidation. The move from transition to consolidation is viewed by Freedom House as being a transition from an electoral democracy to a liberal democracy, the only condition in which a country can receive a rating of "FREE." Regime survival, or the process of extending the life expectancy and securing the democratic advancements achieved during the transition period, is the classic definition of democratic consolidation.²⁹ Basic universally accepted components of consolidation include popular legitimacy, neutralization of anti-system actors, military subordination to civilians, stabilization of electoral rules and the decentralization of state

²⁷ Huntington, 151-152.

²⁸ Share & Mainwaring, 175-176.

²⁹ Andreas Schedler, "What is Democratic Consolidation?" *Journal of Democracy* 9, no. 2 (1998): 91 & 95.

power.³⁰ Huntington stresses the importance of military professionalism, which involves significant reductions in the size of the military, removing former military men from the government and consolidating the command structure over the armed forces to ensure that the civilian head of government is also the commander of the military.³¹

The ability for those in power to be rotated and altered is an important guideline for measuring democratic consolidation. Huntington's "two-turnover test" is a measurement that argues a democracy is consolidated when the originally elected leaders of the new democratic government lose a following election and acknowledge the turnover of power.³² The willingness of elites to give up power acknowledges that democracy is "the only game in town" because it provides proof that both ruling elites and the general public are operating within the boundaries of the democratic system. It displays the leader's commitment to democracy through their willingness to step down and the public's trust in the system, by acknowledging that their response towards dissatisfaction with the government is to change the leaders and not the system.³³

Juan J. Linz and Alfred Stepan provide perhaps the most inclusive framework for democratic consolidation among democratization scholars, and will thus serve as the primary model for the purpose of this paper. They argue that a country has completed democratic consolidation when the entire democratic system has become "the only game in town."³⁴ Their framework encompasses three dimensions of consolidation: behavioral, attitudinal and

³⁰ Schedler, 91-92.

³¹ Huntington, 252-253.

³² Ibid.

³³ Ibid., 267.

³⁴ Linz & Stepan, 5.

constitutional.³⁵ Behaviorally, democratic consolidation is completed when there are no longer any significant social or political actors attempting to overthrow the regime or secede from the territory within the control of the regime. Attitudinally, a democratic regime has consolidated when a majority of the public believes that democratic procedures are the best and most effective way to govern and make changes. Constitutionally, democratic consolidation is completed when all actors, governmental and non-governmental, agree that conflict will be dealt with through established norms of laws and procedures.³⁶

In addition to the three dimensions of consolidation, Linz and Stepan argue that five further interconnected arenas must be present before a state can complete the consolidation phase. These five arenas are a free civil society, autonomous and valued political society, a rule of law to uphold individual freedoms, a useable state bureaucracy and an institutionalized economic society.³⁷ Civil society is an aspect of the polity where relatively autonomous groups, associations, movements and individuals can express their values and interests. Religious groups, social movements, intellectual organizations and trade unions are important examples of a flourishing civil society.³⁸ Political society is needed not only for democratic transition but also consolidation. This is the area where political actors have the right to compete and contest for the right to exercise control over the demos. Key aspects are parties, with the task of representing differences between democrats, established democratic norms, and procedures of conflict regulation, institutionalized routinization, intermediation between the political and civil societies, and compromise.³⁹ An established and respected rule of law must exist for consolidation to be

³⁵ Linz & Stepan, 5.

³⁶ Ibid., 6.

³⁷ Ibid., 7.

³⁸ Ibid.

³⁹ Ibid., 8-10.

completed. All actors must be held accountable to the law and citizens be granted access to courts to defend their rights. Under the rule of law there is a need for a “spirit of constitutionalism,” or a strong consensus to the constitution and a commitment to the “self- binding” procedures of governance that require significant majorities to alter. A strong and democratic rule of law calls for an independent judicial system that functions within a strong legal culture.⁴⁰ These three aspects: the civil society, political society and rule of law, underline the prerequisite conditions to democratic consolidation.

Fourth, a formal, functioning state and state bureaucracy need to exist in order for democratic consolidation to be carried out. This allows the democratic government the “effective capacities to command, regulate, and extract,” allowing it to exercise its “claim to the monopoly of the legitimate use of force in the territory.”⁴¹ This is necessary in order to protect citizens’ rights and effectively deliver basic goods and services to the public. The fifth condition for democratic consolidation is an institutionalized economic society. Since democracies can neither be command economies or pure market economies, an economic society, or a set of socio-politically accepted norms, institutions and regulations must be created to provide mediation between the state and the market.⁴² When the conditions for the three dimensions, as well as the five further aspects, are met, Linz & Stepan argue that a democratic state has successfully undergone democratic transition.

⁴⁰ Linz & Stepan, 10.

⁴¹ Ibid., 11.

⁴² Ibid.

PART TWO:

BURMA'S STATUS IN TRANSITION & CONSOLIDATION

INTRODUCTION

In Part I, I have outlined the framework for understanding democracy, democratic transition and democratic consolidation. A general chronology has been established to identify when a democratic transition begins, when the transition has ended and become a process of consolidation, and when consolidation is complete. Given this framework, where on the democratization ladder is Burma? Part II of my thesis will answer this question using the methods and definitions analyzed in Part I. I argue that Burma is still in the very early stages of transition. In 2008 Burma ratified a new constitution and in 2010 held national elections. Both of these fulfilled requirements on Burma's seven-step roadmap to democracy, which will be discussed in detail later in this section. Although these actions are important features of liberalization in Burma, they do not constitute part of the transition phase. I view these actions as prerequisites or preliminary mechanisms to legitimate democratization. The transition began with the by-election of 2012, the first instance in modern Burma where fair and free, internationally monitored elections took place,⁴³ and all political parties, besides those in the war infected Kachin state, were eligible to run for contested seats.⁴⁴ The next election in 2015 will be the judge to determine how far Burma has come in its transition phase, and if it can move on to

⁴³ "Election observers from ASEAN and partner states, as well as media members arrive in Yangon – A diary of the ASEAN election observation mission to Myanmar," ASEAN Secretariat News, (2012).

⁴⁴ "Freedom in the World 2013 (Burma)," Freedom House, September 2013.

consolidation.

Following Linz and Stepan's definition of a democratic transition, the transition in Burma will not be completed until political procedures and electoral laws are agreed upon by all actors, a new government comes to power as the result of free and fair elections, and there is separation between the three branches of government. The laws drafted into the 2008 Constitution are not agreed upon by all actors. The process was controlled by the military, as the military junta was the ruling party throughout the drafting process, and excluded key stakeholders, notably the NLD.⁴⁵ The military institutionalized and secured its power in the constitution. The 2008 Constitution allows the military to dissolve the civilian government if the security of the state is at stake. The military is not accountable to the civilian government, having the right to administer its own affairs. The constitution also reserves a quarter of the seats in both houses for military members appointed by the commander in chief.⁴⁶ Before the 2010 national election, the military regime handpicked the election commission and wrote the election laws, favoring the military party.⁴⁷ Burma cannot progress in the transition phase until significant constitutional amendments are made with regards to military immunity and rights, and the election laws and commission selection are revisited and addressed by all parties.

Democratic transition entails a new, democratic government created by free and fair monitored elections. The 2010 elections were not monitored by any recognized international observers, the NLD was not represented, and there were allegations of the election being rigged and infiltrated with voting irregularities.⁴⁸ The 2010 elections were not democratic and did not

⁴⁵ National League for Democracy, the opposition party led by Aung San Suu Kyi, Burma's main opposition leader and advocate for democracy.

⁴⁶ 2008 Myanmar Constitution, Art. 109(b) and 141(b)

⁴⁷ "Freedom in the World 2014 (Burma)," Freedom House, accessed February 2014

⁴⁸ "Freedom in the World 2014 (Burma)."

result in a democratic government. I view these elections as a preamble to the democratic transition, in that significant liberal steps were taken by the regime to install a “civilian” government, a move unprecedented in the history of Burma's military government, but that they fell short of installing a real democracy, as military leaders still dominate executive, legislative and judicial affairs.

Currently there is little separation between the executive, legislative and judicial branches of the government, and all are either dominated or controlled by the military. The executive branch is headed by President Thein Sein, former general and Prime Minister of the military regime.⁴⁹ Both houses of the legislative branch reserve twenty-five percent of the seats for military members appointed by the commander in chief. Since seventy-five percent agreement is needed to pass a bill, the military is able to control which bills are passed and rejected.⁵⁰ The judiciary is not independent from the other two branches. Judges are appointed or approved by the government and must adhere to the decrees of the government in evaluating cases.⁵¹ Since the military still has the most authority in the executive and legislative branches, appointed judges must have the military's approval. The “Administrative Detention Law” states that individuals may be held without charge, trial or access to legal counsel for up to five years if their act in question has threatened the security or sovereignty of the state.⁵² Military members, especially those from the former military junta have blanket immunity for all official acts, making them independent of the judiciary.⁵³ In order for transition to progress, the judiciary needs to be established as an independent body, and all individuals need to be considered equal under the law.

The government installed after the 2010 elections can hardly be considered a democratic

⁴⁹ “Freedom in the World 2013 (Burma).”

⁵⁰ Larry Diamond, “The need for a political pact,” *Journal of Democracy* 23, no. 4 (2012): 142.

⁵¹ “Freedom in the World 2014 (Burma).”

⁵² Ibid.

⁵³ Ibid.

government. Although the international community witnessed many liberal reforms, including a government turn-over, the 2010 elections only reinforced military rule through a democratic facade. The military still controls all three branches of government and is considered to be above politics, or above the law. The 2012 by-elections can be viewed as the first stage of the democratic transition, however. Although not a national election where all seats were able to be contested, 2012 was the first election where there was open contestation and registration restrictions were lifted. The 2012 elections were free, fair and monitored by international observers. By these standards, Burma is barely two years into its democratic transition. Until significant constitutional reforms are made, the ethnic diaspora situation is resolved and the judiciary becomes an independent body, Burma cannot progress very far in transition. This next section, Part II, will examine in detail Burma's position in transition and outline what needs to happen later for consolidation, based on Linz and Stepan's framework. I will begin with a brief history of British colonization in Burma and the rise of military dominance, in order to outline where military rule came from and how the ethnic conflict arose.

HISTORICAL SIGNIFICANCE

Pre-colonial Burma, like many of its Southeast Asian neighbors, existed not as a modern state, but as a territory under different ruling kingdoms. The administrative structure of what is today known as Burma, prior to British invasion, was divided into three zones, as established by the Restored Toungoo and Konbaung dynasties.⁵⁴ The first zone, or nuclear zone, was the 'center' of the kingdom where the king had the most control and an established power center with ministries and a military. The remaining two zones were further from the king's direct sphere of influence. The second zone was the zone of dependent provinces. These provinces

⁵⁴ Robert H. Taylor, The State in Myanmar (Honolulu: University of Hawaii Press, 2009): 23.

were run by *myo-wun*, or agents of the king with centrally appointed cabinets, who represented the monarchy in the provincial capitals. The third zone was the zone of tributaries. These zones are what we refer to as the modern day ethnic states on the periphery of Burma. They were run by hereditary leaders from their respective ethnic backgrounds. They were allowed to administer their states as they pleased, as long as they did not pose a threat to the monarch and paid their allegiance to the central court through certain obligations.⁵⁵ Within each zone, the responsibilities of state administration and day-to-day governing were divided even further among local elites, chiefs and centrally elected staff. This resulted in an expansive administrative system with a complex web of subordinate authorities. Patron-client relationships emerged, especially in areas further from the center.⁵⁶

This web resulted in administrative difficulties in maintaining order. Military strength thus provided the means for keeping order in pre-colonial Burma.⁵⁷ The king's army protected the central state against external enemies and maintained dominance and control over internal rivals.⁵⁸ The legitimacy and power of the king was measured in his ability to maintain order and welfare and uphold the *dhamma*, or Buddhist laws of nature. Therefore, the king was able to rely on force to maintain order in the kingdom.⁵⁹

There existed no formal legal codes in pre-colonial Burma. The state judiciary system was not centrally administered, and was placed in the hands of peripheral rulers: the provinces, townships and villages. Unlike what existed in early modern Europe at the time, laws and decisions were based on 'reasonableness' and not on *de jure* legality. The central state provided

⁵⁵ Taylor, 23.

⁵⁶ Ibid., 26.

⁵⁷ Ibid., 37.

⁵⁸ Ibid., 47.

⁵⁹ Ibid., 56.

an unregulated 'guide' of legal codes, but set no formalized legal system or set of constitutional laws. This resulted in a lack of uniform decisions in the kingdom, allowing decisions to be made on a case-by-case basis and permitted the individual inequality of the hierarchical, patron-client system of the state to persevere.⁶⁰

Anglo-Burmese Wars and the Establishment of British Rule

The lack of centralized authority in pre-colonial Burma resulted in the inability of the king and the state to defend itself against the influence and invasion from British India.⁶¹ The first Anglo-Burmese war, from 1824-1826, resulted in the concessions of some territory to British India. The strategic geographical position of Burma, located between India and China with vital maritime trade access in the Bay of Bengal, as well as an abundance of natural resources, were some of the factors that motivated the British Empire to continue expanding eastward.⁶²

In the Second Anglo-Burmese War, from 1852-1853, more land concessions were made to British India. Most important was the annexation of the Lower Irrawaddy Delta, an important source for economic revenue to the nucleus. This annexation significantly weakened the economic resources of the kingdom.⁶³ Bagan Min, king at the time of the second Anglo-Burmese War, was removed from the throne and replaced with Mindon Min. Mindon Min attempted to install new reforms to try to centralize control over the periphery. Under his reforms he was able to improve central control by increasing the responsiveness of local officials to the center.⁶⁴

The Third Anglo-Burmese War lasted from 1885 to 1886 and brought the entirety of the

⁶⁰ Taylor, 54.

⁶¹ Ibid., 62.

⁶² D.R. SarDesai, *Southeast Asia, past & present* (Boulder, CO: Westview Press, 1989) 110-112.

⁶³ Taylor, 63.

⁶⁴ Ibid., 63-65.

Burmese kingdom and peripheral lands under the control of British India.⁶⁵ The biggest change for the people under British rule was the introduction of an administrative system that detached the public and private spheres from one another and changed the relationship between state and society.⁶⁶ Unlike the traditional ruling system of Burma, which involved an interconnected relationship of the king to the private sphere of society, the British differentiated between public and private life, and remained detached from the private sphere of society.⁶⁷ The British further centralized power and introduced many Western ideas of justice, law and economics. These included the attempt to introduce a code of law in which all individuals, including government elites, were treated equal.⁶⁸

The British divided the territory into two administrative zones: “Burma Proper,” which involved the nucleus and the dependent zones, and the “excluded” or “frontier areas,” which encompassed ethnic minority states in the periphery.⁶⁹ The British introduced very distinct territorial boundaries to Burma, including the peripheral areas. However, the British did not maintain firm control over the frontier areas, viewing these as areas of little economic significance and threat to the center. They therefore continued to leave most of the responsibility in the hands of local chiefs.⁷⁰

The British used coercion to maintain control in Burma during their rule. The time period following the Third Anglo-Burmese War from 1886 to 1896, referred to as ‘Pacification,’ restored order by suppressing rebellions through the use of the military.⁷¹ Similar to most other

⁶⁵ Taylor, 72.

⁶⁶ Ibid., 67.

⁶⁷ Ibid., 67-69.

⁶⁸ Ibid., 73.

⁶⁹ Ibid., 80.

⁷⁰ Ibid., 80-81.

⁷¹ Taylor, 82.

colonization processes happening throughout Asia and Africa, a de facto military administration was established and force was used to control the population and defend the colonial administration from local threats. Since the purpose of colonialism in the 1900s was not for the purpose of state building, relationships between colonial elites and locals were depersonalized, and fostered the creation of a command relationship between the state and civil society.⁷² The further centralization of the state and introduction of a *de jure* code of laws allowed for the British to enforce the law through centrally administered armed police forces in the nucleus and periphery.⁷³ The security of the colonial state was maintained primarily through armed forces that operated as an extension of the army of the Indian Empire. The police forces were also composed mainly of Indian nationals and were divided into two units, one for the central zone and one for the frontier and excluded territories. The British used the established system of law to justify the use of military and police force.⁷⁴

The Nationalist Response

Nationalism in Burma rose in part due to the creation of a plural society as Burma became part of the world market around the time of the First World War.⁷⁵ The commercial market economy in Burma was controlled mainly by Europeans, Chinese and Indian migrants, while the Burmese⁷⁶ worked primarily in the agricultural sector.⁷⁷ There was no unity among these actors, who made up the plural society in Burma. Nationalism further arose due to the rationalization of the village administration, as anti-state sentiments grew among the peasantry

⁷² Mary P. Callahan, Making Enemies: War and state building in Burma (Ithaca: Cornell University Press, 2003): 9.

⁷³ Taylor, 86.

⁷⁴ Ibid., 99-103.

⁷⁵ Ibid., 76-77.

⁷⁶ Burmese is the term used in regards to the population of Burma. Burman is a particular ethnic group.

⁷⁷ Taylor, 78.

and local indigenous population.⁷⁸ The rise of ethnic nationalism occurred during the early years of British occupation, as the people of those territories where the British had decreased the authority of local leaders desired to develop unique identity for their people.⁷⁹

The strongest sense of nationalism among the colonized population of Burma arose as an opposition to British occupation. The Burman people believed that they were one nation with a sovereign right to self-determination and self-government. To these people, British rule was illegitimate since 'their nation' was being ruled by 'aliens' of another nation.⁸⁰ Since the Burman ethnic group was the largest, situated at the center and making up the majority of the growing local middle class, the Burmans attempted to homogenize the entire country through a process called "Burmanization," or efforts aimed at creating a country based on Burman ideals. These Burmanization efforts were primarily led by active Burman youth nationalist groups. "Burmese people," on the other hand, refers to the citizens of Burma and is not limited to one specific ethnic group. However, Burmese often becomes synonymous with Burman, as the Burmans view themselves as the only legitimate ethnicity of the country.

A growing middle class among the Burman population and an increasingly active student youth further provoked the sense of nationalism and need for an independent country. After formal separation from India, granted through the "Government of Burma Act" in 1935, some Burman politicians sought assistance and alliance with the Japanese.⁸¹ The two major youth nationalist groups that led the movement for independence in the 1930s were the ABSU, All Burma Students' Union, and the Do Bama Asiayon, or Thakins. Do Bama Asiayon translates into "Our Burma Association", or "We Burmans" and "Thakin" is an old Burmese word

⁷⁸ Taylor, 87.

⁷⁹ Ibid., 89.

⁸⁰ Ibid., 150-151.

⁸¹ Ibid., 174.

meaning master, demonstrating that they are the 'masters of Burma.'⁸² Both groups demonstrate the Burman domination over the nationalist movement and desire for the homogenization of the state as a state for Burmans.

Japanese Occupation and Independence

After the Japanese wrestled control from the British in 1942, the Ba Maw administration took over state affairs from the occupying Japanese army. He called for “one blood, one voice, one command,”⁸³ an appeal for a nation-state sense of loyalty for Burma and a call for the further Burmanization of the country. The Ba Maw administration faced complications from rival centers of authority and poor communication ability. This period of political control in Burma was a period in which groups could not unify on a way to administer the country. Groups fought for control with their different ideals for the new independent society.⁸⁴

The first government of independent Burma was led by U Nu, a former Thakin. Due to a lack of unity and factions among independence groups, the administration lost most of its support after independence.⁸⁵ Nu’s administration was unable to exercise much power outside of Rangoon, as Burma’s ethnic minorities felt no connection to the growing Burman identity of the independent state and continued to administer their areas independently. U Nu was unable to unify or develop an orderly civil society in independent Burma, causing his administration to invite General Ne Win and a caretaker government to take over from 1958-1960 in order to forestall armed conflict and bring order back to the state. Particular fear was placed on the possibilities of the communists taking power from a weak U Nu administration. As planned,

⁸² Taylor, 208.

⁸³ Ibid., 226.

⁸⁴ Ibid., 219.

⁸⁵ Ibid., 246-248.

administrative power was handed back to civilians with a national election in 1960, in which Nu's Union Party won.⁸⁶ Within a year the party had little remaining support and on March 2, 1962 a military coup staged by Ne Win overthrew U Nu and Burma's civilian government, beginning Burma's 48 years of military rule.⁸⁷

Military Rule and Opposition

Ne Win and his revolutionary council justified the takeover of Burma "in the name of ensuring continued unity of the nation."⁸⁸ They blamed the weakness of Burma's independent society on democracy and federalism, justifying the removal of these institutions.⁸⁹ On April 30, 1962 the revolutionary council that overthrew the government established its own ruling council, the BSPP, Burmese Socialist Programme Party, which initiated the "Burmese Way to Socialism" ideology that drove state policy and development from 1962 to 1988.⁹⁰ In 1964, Ne Win and the BSPP passed the "Law to Protect National Solidarity," which required all organizations in the Union to register and all political parties, with the exception of the BSPP, to hand their assets over to the state.⁹¹

The late 1980s marked the next period of significant political turmoil for Burma. In 1987, the United Nations declared Burma an LDC, Least Developed Country, bringing humiliation and embarrassment to the country.⁹² In March of that year the Japanese government threatened to end their aid program with Burma if new economic reforms were not implemented. The few new reforms that were initiated after this threat caused an increase in the price of everyday goods, and

⁸⁶ Taylor, 251.

⁸⁷ Ibid., 253.

⁸⁸ Ibid., 293.

⁸⁹ Ibid.

⁹⁰ Ibid., 298.

⁹¹ Ibid., 317.

⁹² Ibid., 379.

demonetized banknotes without compensation.⁹³ These responses sparked a series of student protests in Rangoon and other cities throughout Burma. On July 23, 1988, Ne Win announced his resignation and the resignation of other senior party leaders. Behind the scenes, he called for the army to take over in a full military coup and for the BSPP, as a party, to be dissolved.⁹⁴ The events between March and September 1988 showed that the army lacked the credibility and public support needed to maintain public order without the use of violence, but also embellished the army's justification for controlling the state, depicting the army as the savior of the nation.⁹⁵

The new military junta adopted the name SLORC, State Law and Order Restoration Council, and was chaired by General Saw Maung.⁹⁶ SLORC nullified the 1974 Constitution that had been implemented under Ne Win and the BSPP. The army declared martial law, assumed all executive, legislative and judicial powers and replaced civilian courts with military courts.⁹⁷ Elections were held on May 27, 1990 in order to elect representatives to draw up a constitution. The junta declared that the constitution was first necessary to yield a transfer of power in accordance with the law.⁹⁸ Voter turnout was estimated at over seventy percent and the NLD, National League for Democracy, the major opposition party, received fifty-two percent of the votes. On July 27, 1990 SLORC issued Declaration 1/90, which restated that the transfer of power would happen according to the laws of a constitution.⁹⁹ There was no timeline set for how long the process would take. Power was not handed over and Aung San Suu Kyi was placed under house arrest.

⁹³ Taylor, 379.

⁹⁴ Ibid., 385-387.

⁹⁵ Ibid., 389.

⁹⁶ Ibid., 388 & 394

⁹⁷ Ibid., 394.

⁹⁸ Ibid., 410 & 413

⁹⁹ Ibid., 414.

In 1997 SLORC changed its name to the SPDC, State Peace and Development Council, after gaining membership in ASEAN in July of that year.¹⁰⁰ Following Burma's admittance into ASEAN, the organization came under increased pressure from Western countries and institutions. In 2000 Aung San Suu Kyi was again put under house arrest.¹⁰¹ She was released in 2002 and proceeded, with formal permission, in 2003 to tour the country giving speeches and reopening NLD offices in order to reconnect with members of the party as well as the people of Burma.¹⁰² On May 30, 2003 her convoy was attacked near the town of Depayin. Several people died and Aung San Suu Kyi was captured and held at Insein prison before being placed under house arrest again.¹⁰³ Following the Depayin incident, ASEAN experienced a significant increase in international pressure to act on Burma's violations of human rights.

Following the Depayin incident, General Khin Nyunt, Prime Minister at the time, established a "seven-step roadmap to democracy," in response to increasing international pressure and criticism.¹⁰⁴ The seven steps included: reconvening the national convention, the implementation of the process for the emergence of a genuine democratic system, the drafting of a constitution, the adoption of the new constitution through a referendum, constitutionally held legislative elections, and the formation of a new government and other constitutional bodies.¹⁰⁵ The National Convention began in 1993 following the 1990 election and was to serve the purpose of drafting a new constitution for Burma. It was suspended in 1996 and reconvened in 2004, as step one under the seven step roadmap to democracy.¹⁰⁶

A sudden price increase for diesel and natural gas provoked protests starting in August

¹⁰⁰ Taylor, 468 & 479.

¹⁰¹ Christina Fink, Living Silence in Burma: Burma under military rule (London: Zed Books, 2001), 93.

¹⁰² Fink, 93.

¹⁰³ Ibid., 94.

¹⁰⁴ Taylor, 484 & 491.

¹⁰⁵ Ibid., 491.

¹⁰⁶ Ibid., 489-490.

2007.¹⁰⁷ The military junta arrested many of the protestors and proceeded to patrol the streets on a daily basis to prevent any further demonstrating. Following the arrests, a small group of monks took to the streets in peaceful marches, chanting the *metta sutta*¹⁰⁸ of loving kindness; attempting to enlighten the regime on the suffering it was causing the population of Burma.¹⁰⁹ By early September the number of monks had significantly increased, and the protests had become more political. Members of the military silenced the protests by arresting and beating some of the monks.¹¹⁰

On September 18, 2007, the protests increased in size as monks from major cities, such as Rangoon, Mandalay, Sittwe, as well as other small towns across the country, gathered at their local temples and began peacefully marching in the streets chanting the *metta sutta*. Initially, ordinary citizens were not allowed to join, as the monks felt that the peaceful and religion centered aspect of the protest would prevent authorities from resorting to violence to cease the demonstration. Eventually lay citizens were allowed to join in lines on both sides of the monks. The ABMA, All Burma Monks' Alliance, was the driving force behind the movement.¹¹¹ On September 26, 2007, U Kosita, one of the leaders of the monks' protest, gave a speech in front of the famous Shwedagon Pagoda in Rangoon, asking police and soldiers to stop their harm against citizens. Starting on that day, monks were beaten, shot and arrested, as were many photographers, journalists and lay persons.¹¹² Because of the color of the monk's robes, the event became known as the "Saffron Rebellion" or "Saffron Massacre."¹¹³ Some images and reports

¹⁰⁷ Fink, 101.

¹⁰⁸ A Buddhist discourse found in the Pali Canon, the standard scriptures of Theravada Buddhism, which is traditionally chanted and emphasizes "what should be done" or loving kindness.

¹⁰⁹ Fink, 102.

¹¹⁰ Ibid.

¹¹¹ Ibid., 102-103.

¹¹² Ibid., 103-104.

¹¹³ Fink, 102.

reached international organizations and Western countries,¹¹⁴ sparking yet again an increase of pressure on both Burma and ASEAN.

On May 3, 2008, Cyclone Nargis devastated Burma's Irrawaddy Delta, in addition to causing flooding throughout the rest of the region.¹¹⁵ The natural catastrophe left over 130,000 people dead or missing and over 1.5 million people displaced. The regime refused to allow aid workers and agencies into the country, claiming to be upholding the principle of non-interference in national sovereignty.¹¹⁶ The national referendum was set to take place on May 10, a week after Cyclone Nargis devastated parts of the country.¹¹⁷ Despite the current humanitarian crisis, the junta refused to postpone the referendum to a later date. It was only pushed back by two weeks in highly affected areas of the Delta. Official results of the referendum published by the government showed that there was a 92.4% voter turnout, despite the natural disaster. The new constitution was passed, despite high levels of presumed manipulation.

TRANSITION

Introduction

Burma has undergone political liberalization since the Depayin incident in May 2003, paving the way for a democratic transition process that began with the 2012 by-elections. Although no timeline for completion was created, the move towards transition was implied through the creation of the seven step road map to constitutional government in August of that year. The constitution was passed in 2008, however without the participation of the NLD and

¹¹⁴ Ibid.

¹¹⁵ Alex J. Bellamy and Catherine Drummond, "Responsibility to Protect in Southeast Asia," *The Pacific Review* 24, no. 2 (2011): 190.

¹¹⁶ Bellamy and Drummond, 190.

¹¹⁷ Mary Callahan, "The generals loosen their grip," *Journal of Democracy* 23, no. 4 (2012): 106.

Aung San Suu Kyi, as they had boycotted the convention.¹¹⁸ The elections held in 2010 were neither free nor fair and resulted in reinforced military rule. However, both the 2008 Constitution and the 2010 elections were steps outlined on the seven step road map to democracy and were significant in paving the way for a democratic transition.

The 2010 Elections: Liberalization but not Democratization

The elections held on November 7, 2010 were shy of initiating a legitimate democratic transition because they were neither free nor fair and reinforced the military's rule. Through the 2008 Constitution and 2010 elections the military attempted to transition to a democracy through a transformation, to use the language of political scientist Samuel Huntington (see Part I). Although some transformations result in democratic rule, the transformation in Burma that occurred following the 2010 elections did not. Linz and Stepan, the other major democratization theorists, argue that a democratic transition begins with the decision to end authoritarian rule and hold national elections in which there is open contestation and no limitation on participation. The national elections held in 2010 placed many restrictions on party participants, as well as on voters. The transformation that took place as a result of the 2010 elections, a government transition initiated by the elites of the authoritarian regime, did not end authoritarian rule, it only reinforced it through a democratic facade. For this reason, the transition that took place following the 2010 election cannot be considered a democratic transition.

At the time of the November 7, 2010 elections, there was an absence of vertical accountability and separation of powers between the branches of government. As part of the definition of a democratic transition, there is expected to be a separation between the executive, legislative, and judicial branches before holding democratic elections. Going into the 2010

¹¹⁸ Taylor, 491-492.

elections, the government of Burma was still controlled by the military and all local and central levels of the administrative and legislative branches were under control of the military's official political party, the USDP, Union Solidarity and Development Party.¹¹⁹ Being a military run country, the executive, legislative, and judicial branches were all being run by the same people, allowing for little to no separation of powers through the elections. The election was believed to be rigged as 76 percent of the votes to nonmilitary appointed seats were won by the USDP.¹²⁰

Further issues with the November 7, 2010 election were the restrictions on party registration and campaigning. Although the "Political Parties Registration Law" prohibits the use of state property or funds for campaigning, the USDP utilized funds and property from the USDA, Union Solidarity and Development Association, a government-organized social welfare organization, to its benefit in the election. It privatized the organization under the USDP in July 2010 by turning all of its property over to the party.¹²¹ Restrictions were placed on party and candidate registration through extremely high registration fees, estimated at \$250,000 US dollars, and fines for losing contested seats.¹²²

Despite overwhelming control remaining in the hands of the military, there were many non-military representatives, including some from ethnic political parties, elected to the parliament for the first time. Additionally, the military officially dissolved the military junta, the SPDC, and Thein Sein was required to step down from his military position in order to take over as the newly elected president of the country.¹²³ As an important aspect of transformation, these steps taken by authoritarian elites reflect the use of elections and democratic elements to attempt

¹¹⁹ Yaw Yin Hlaing, "Understanding Recent Political Changes in Myanmar," *Contemporary Southeast Asia* 34, no. 2 (2012): 198.

¹²⁰ Hlaing, 205.

¹²¹ Neil A. Englehart, "Two Cheers for Burma's Rigged Election," *Asian Survey* 52, no. 4 (2012): 668.

¹²² Englehart, 668-669.

¹²³ Englehart, 680.

to legitimize themselves and their rule.¹²⁴ As the ideas of democracy become more legitimized as the only acceptable form of government in the international arena, the Burmese elites attempted to use a transformation, where they would be able to control and limit initial changes and hopefully legitimize their right to rule. Although shy of true democratic transition, the 2010 elections did witness unprecedented liberal changes in the Burmese government. New actors became involved in the political system and reformers of the former military government were able to gain a stronger voice in the new government, paving the way for a more successful transition in 2012. This period also witnessed the creation of fourteen regional assemblies with the idea that ethnic groups within Burma's boundaries would gain a voice in politics.¹²⁵

Although 2010 was the first time Burma conducted an election with some democratic elements, I argue that these elections did not mark the beginning of the democratic transition period. Instead, the by-elections of 2012, in which Aung San Suu Kyi and the NLD acquired 43 of the 45 contested seats, mark the initial stages of democratic transition in Burma. These seats became open for by-elections after certain members were moved over to the executive branch in the creation of new presidential positions and committees.¹²⁶ The 2012 by-elections marked the beginning of the democratic transition phase as they were the first elections in which previously excluded political actors were allowed to participate, and the government acknowledged the results and handed over power. Additionally, the by-elections in 2012 were monitored by a number of international and regional observers, observers, and international media sources were welcomed into the country. Besides participation restrictions in the Kachin state, there were no limitations or restrictions on voters or individuals and parties contesting seats.

¹²⁴ Huntington, 128-129.

¹²⁵ Sean Turnell, "Myanmar in 2010," *Asian Survey* 51, no. 1 (2011): 149.

¹²⁶ Ian Holliday, "Myanmar in 2012: Toward a normal state," *Asian Survey* 53, no. 1 (2013): 94.

The year 2012 also witnessed a number of political reformers in the government gaining higher positions under President Thein Sein. Towards the end of August 2012, he reshuffled his cabinet, moving and removing ministers from their current positions. He moved Kyaw San, a hardliner, from his position as minister of information to minister for cooperatives, a position which oversaw very little. The position for minister of information was fulfilled by Aung Kyi, a reformer. Conservative Vice President Tin Aung Myint Oo resigned and was replaced by Nyan Tun, a political moderate.¹²⁷

Despite a successful transition following the by-elections of 2012, Burma still remains at the early stages of democratic transition. Transition cannot be completed without changes to the current 2008 Constitution. Referring back to Linz and Stepan's definition of a completed democratic transition, the transition is not complete until “sufficient agreement has been reached about political procedures to produce an elected government and when a new government comes to power that is the direct result of a free and popular vote.”¹²⁸

Additionally, there needs to be a separation of powers between the three branches of government. The procedures outlined in the 2008 Constitution to produce an elected government are not agreed upon by many opposition groups, namely the NLD which boycotted the referendum.¹²⁹ Currently, the 2008 Constitution *de jure* reinforces military rule in all three branches of government and allows the military to remain “above politics.” The constitution also allows for a certain number of seats in both houses to be filled with appointed military members. Until changes are made, allowing all contested seats to be open to elected civilians, a new national government that is the direct result of a free vote cannot be obtained. The next national

¹²⁷ Holliday, 94.

¹²⁸ Linz & Stepan, 3.

¹²⁹ Taylor, 491-494.

election is set to be held in 2015, and in order for the election to foster progress in the transition phase, significant constitutional amendments will need to be addressed and made. The details of the 2008 Constitution and the limits it places on democratization will be addressed in the next section. In order to highlight some successful elements of democratic transition, as well as outline in detail elements prohibiting further transition and progression towards consolidation, I will use Linz and Stepan's framework for democratic consolidation. Although Burma is nowhere near the consolidation phase, the elements provided by Linz and Stepan's framework can be utilized to show how, without changes, Burma will be unable to move out of the transition phase and into consolidation.

LINZ AND STEPAN'S CONSOLIDATION FRAMEWORK

Addressing the limits for a successful transition and progression towards consolidation

Behavioral

Currently, one of the biggest threats to the new democracy in Burma is the threat from ethnic minority groups. The conflict in the western Rakhine state has caused constant violence since 2012 when tensions between Muslims and Buddhists flared up again.¹³⁰ Despite being included within the territorial boundaries of Burma, the Rohingya Muslims do not hold citizenship. Little is being done by either Thein Sein or Aung San Suu Kyi to address and improve the situation. Unlike Indonesia, an example of a former colonized Southeast Asian country that has undergone democratization, which stressed decentralization in its democratic process, both Aung San Suu Kyi and Thein Sein have been concerned with strengthening the political core at the center and centralizing the democracy. When asked about the violence in the Rakhine state, Aung San Suu Kyi denied the occurrence of ethnic cleansing and argued that the

¹³⁰ Holliday, 96.

international arena needed to turn its attention to the democratic transition at the center, particularly the need for a new constitution.¹³¹

The Kachin and Shan states are two further examples of large ethnic minorities which governed themselves prior to British invasion. Many large ethnic communities were even granted special rights as allies of the British during British rule, or were ignored as they posed little to no threat. Since independence from the British, the idea of “Burma for Burmans” has become deeply rooted in society.¹³² The inhabitants of most ethnic states and territories are denied citizenship and are seeking autonomous power.

Indonesian democracy has largely been successful through the decentralization of the government and the granting of special rights and autonomous powers to threatening ethnic regions. Taking the ideas of a federal system, particularly that of Germany, the legislature in 1999 transferred significant authority to the district level.¹³³ The regions of Indonesia, Aceh and Papua, were granted special autonomous rights after fighting against the state and threatening to secede from the nation. East Timor was also granted full independence after years of violence and fighting.¹³⁴ The decentralization to the local levels and the special autonomous rights granted to certain ethnic groups has allowed Indonesia to persist as a democratic state, and provides a successful model for one way Burma could improve its legitimacy and democracy.

Burma’s ethnic diversity creates a “stateness” issue within the country, causing one of the largest, if not the primary, hindrances to Burma’s democratization. Linz and Stepan argue that there is a triadic inter-relationship between the modern state, modern nationalism and modern

¹³¹ Penny Green, “Islamophobia: Burma’s racist fault-line,” *Race and Class* 55, no. 2 (2013): 97.

¹³² Callahan, *Making Enemies: War and state building in Burma*, 37-39.

¹³³ R. William Liddle & Saiful Mujani, “Indonesian democracy: From transition to consolidation,” in *Democracy and Islam in Indonesia*, ed. Mirjam Kuenkler and Alfred C. Stepan. (New York: Columbia University Press, 2013), 129.

¹³⁴ Liddle & Mujani, 35-37.

democracy.¹³⁵ Democracy, they argue, cannot exist without a sovereign state.¹³⁶ These three principles become intertwined because the modern democratic state is based on participation of the demos. Demos, or populace in a democratic sense, can be defined in numerous ways. An issue of stateness can arise when nationalism, as one possible definition for the demos, does not agree with the demos of the state.¹³⁷

The state is the necessary prerequisite to modern democracy because democracy by definition is a form of government of a modern state. To have democracy, a demos of the state is required. There are three accepted principles as to how citizenship is defined, in turn creating a legal demos of the state. One acquires citizenship *ius sanguinis* (by descent), *ius soli* (by birth), or by asking for and being granted the right to citizenship, as in some cases of immigration.¹³⁸ All three of these are linked in one way or another to the state, by being born from someone with citizenship of that state, being born inside the territorial boundaries of that state, or by being granted the right to citizenship of that particular state. This explains why the modern state is necessary before democracy can become a reality; without a state you have no citizens, which in turn provide no demos to partake in a democracy.¹³⁹ The “stateness problem” then occurs “when there are profound differences about territorial boundaries of the political community’s state and profound differences as to who has the right of citizenship in the state.”¹⁴⁰

The process of state building emerged in the 15th century as a result of the reformation in Europe and the decline of feudalism. As modern states emerged, concern was not focused on encompassing a population sharing a similar history, language and culture within a territorial

¹³⁵ Linz & Stepan, 16.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid., 28.

¹³⁹ Ibid.

¹⁴⁰ Linz & Stepan, 16.

boundary. The creation of the state was not a result of natural social boundaries separating people, but rather the result of creating concrete, identifiable administrative and political institutions for a defined demos.¹⁴¹ According to Mary Callahan, state building “refers to processes in which state actors and institution managers organize resources and personnel so as to extend the geographical and functional “reach of the state” or institution.”¹⁴²

A nation, compared to the concept of a state, is based on certain values and has no autonomy, no agents and no rules.¹⁴³ This eliminates the legitimacy behind the rights and behaviors of the demos defining themselves in the nation. A nation can, however, exercise power and utilize violence to challenge the state.¹⁴⁴ A nation evolves as a specific population develops a sense of internal, psychological sense of community or connection.¹⁴⁵ When the demos of the majority nation become the ruling elites of the state, a nation-state develops. The policies of a nation-state are centered on increasing cultural homogeneity, resulting in the language, religion and cultural practices of the dominant nation becoming the privileged or official practices of the state. Means of socialization, such as textbooks and media sources, become controlled and restricted by state officials, in order to develop and strengthen a homogenous cultural identity.¹⁴⁶

Linz and Stepan argue that nondemocratic states with a high degree of nation-state heterogeneity will experience severe difficulties in democratic transitions.¹⁴⁷ The higher the percentage of people living within the territorial boundaries of the state who do not want to be members of that state and do not accept the legitimate claims of that government, the more

¹⁴¹ Callahan, Making Enemies: War and state building in Burma, 13.

¹⁴² Ibid.

¹⁴³ Linz & Stepan, 22.

¹⁴⁴ Ibid.

¹⁴⁵ Callahan, Making Enemies: War and state building in Burma, 13.

¹⁴⁶ Linz & Stepan, 25.

¹⁴⁷ Ibid., 25.

difficult democratic transitions will be.¹⁴⁸ They establish a hypothesis for improving democratic transitions in multicultural settings, stating that “the chances to consolidate democracy are increased by state policies that grant inclusive and equal citizenship and that give all citizens a common “roof” of state-mandated and enforced individual rights.”¹⁴⁹ Multinational states that have developed these policies and experienced successful democratic transition are referred to as “state-nations.” Leading examples of these are the United States, Switzerland and India.¹⁵⁰ Indonesia is also a strong example of a state-nation, one that could become the basic model for democratization efforts in Burma as a former Southeast Asian colony and military dictatorship, as well as a fellow ASEAN member. Among the many cultures, religions, languages and demos, Indonesia has managed to create an “Indonesian” identity that acts as an umbrella identity while simultaneously respecting the personal individual and group identities of its numerous communities. This capacity for multiple and complementary identities is a key factor for successful democratization of multinational states as well as the recognition for the need for broad and inclusive citizenship, granting all individuals equal rights.¹⁵¹

Attitudinal

Attitudinally, Burma has made the most significant steps in democratization. Even though the 2010 elections were not democratic, the military has not attempted to reinstate direct military rule by a military junta and has not placed any additional bans on participation. The acknowledgement of the outcome of the 2012 by-elections is a clear example that even the military party, the USDP, is respecting the new democratic procedures of government. The only groups that could be defined as against democracy in Burma are those ethnic groups seeking

¹⁴⁸ Ibid., 28.

¹⁴⁹ Ibid., 33.

¹⁵⁰ Ibid., 34.

¹⁵¹ Ibid., 25 & 35.

autonomy. These groups lack connection to the central government, as most have little to no citizenship rights and most wish to practice their own form of independent and autonomous government. Most ethnic groups are not represented under the current constitution, as they are not recognized by the government as citizens. This prohibits them from having a voice in politics and hinders any form of open contestation and free and open political participation in Burma. Those ethnic groups that are recognized and have been able to form political parties and obtain seats face more registration and voting restrictions than participants of Burman background.¹⁵²

Constitutional

The 2008 Constitution contains many undemocratic elements, particularly those that allow the military to remain in power and that purposefully prevent individuals from holding office. The constitution states that the army is fiscally and administratively autonomous and has a dual function of providing national defense and maintaining the constitution.¹⁵³ The army is also considered to be 'above politics,' in that it has the right as a national institution to independently act in order to protect the state's sovereignty. The *Amyotha Hluttaw* (the Upper House of Nationalities) will consist of 224 seats, 56 of which will be reserved for the military.¹⁵⁴ In the *Pyihtaungsu Hluttaw* (People's Assembly or Lower House), there will be 330 elected members and 110 appointed by the military.¹⁵⁵ Since 75 percent of the vote will be needed to amend the constitution, it will be necessary to have the vote of the military in order to proceed with any constitutional amendments.¹⁵⁶ The constitution also prohibits anyone of foreign background, or anyone with a foreign family member from becoming president.¹⁵⁷ This is seen

¹⁵² "Freedom in the World 2014 (Burma)."

¹⁵³ Taylor, 495.

¹⁵⁴ Turnell, 149.

¹⁵⁵ Taylor, 499.

¹⁵⁶ Diamond, 141.

¹⁵⁷ Taylor, 498.

as a method used by the military to legally keep Aung San Suu Kyi from becoming president, as she had been married to a British man and her sons hold British citizenship.¹⁵⁸ The government declared that the new 2008 Constitution would go into effect following the first *Pyihtaungsu Hluttaw* meeting after the 2010 elections.¹⁵⁹

With the 2008 Constitution still in effect, serious limitations are placed on political and civil freedoms in the country. The constitution was ratified after the closure of the National Constitutional Convention in 2008 without any input from the NLD. The military rigged the constitution to protect its political rights and grant it the capability to establish control over the country if the security or sovereignty of the nation should be severely threatened. It also reserves 25 percent of seats in both houses for the military, making it impossible to obtain the 75 percent minimal threshold to amend the constitution without the support of the military.

Certain articles of the constitution which guarantee power to the military and commander-in-chief will need to be reformed before the transition can be completed. “Articles 109(b) and 141(b) give the Commander-in-Chief of the Defense Services the right to appoint a quarter of the members of each house of the parliament.”¹⁶⁰ Article 109(b) states that “the Pyithu Hluttaw shall be formed with a maximum of 440 Hluttaw representatives” in which no more than 110 are defense service personnel nominated by the Commander-in-Chief.¹⁶¹ Article 141(b) states that of the 224 representatives in the Amyotha Hluttaw, 56 will be reserved for defense service personnel nominated by the Commander-in-Chief.¹⁶² Article 201 requires that the ministers of Defense, Home Affairs, and Border Affairs be appointed by the president from a list

¹⁵⁸ Diamond, 142.

¹⁵⁹ Taylor, 503.

¹⁶⁰ Diamond, 142.

¹⁶¹ 2008 Myanmar Constitution, Art. 109(b).

¹⁶² 2008 Myanmar Constitution, Art. 141(b).

of nominees from the Commander-in-Chief.¹⁶³ These articles, among many others, outline the extensive control that the military still has in the day-to-day governing of the modern country.

The judicial branch is currently neither separate nor independent from the executive and legislative branches of government and rules by *de facto* procedures. Judges have been appointed or approved by the government and serve until mandatory retirement at the age of 70.¹⁶⁴ Judges, especially those in local courts, adjudicate cases on a case by case basis according to their own decrees. The *de jure* system of law is weak in the courts, and corruption is high due in part to the low salaries of judges. Whoever pays the judge more can expect to win. The constitution also allows individuals to be held without trial or charge for up to five years if the government believes they are threatening to the sovereignty or security of the nation.¹⁶⁵ This law has been used to justify the detention of thousands of political prisoners during military rule. September 2012 saw the first steps in a judicial reform process. The new parliament, after the 2012 by-elections, forced all nine constitutional tribunal judges to resign from their positions.¹⁶⁶

Five Additional Arenas and Conditions

Civil Society

Although Burma is still at the early stages of transition, liberalization efforts have opened the doors for democratization and continued progress. Since Thein Sein became president in 2011, and especially since the 2012 by-elections, Burma has seen relaxations on constraints on civil liberties. The establishment of the National Human Rights Commission in Burma has led to the amnesty of over 200 political prisoners and instituted new laws that allow unions and strikes

¹⁶³ Diamond, 142.

¹⁶⁴ "The CIA world factbook 2012-2013 (Burma)," United States.

¹⁶⁵ "Freedom in the World 2013 (Burma).

¹⁶⁶ Holliday, 94.

for workers. There has been increasing liberalization of the media and internet, and restrictions on assembly have been lifted.¹⁶⁷ Restrictions and limitations on education have been eased since 2011, including the introduction of private education. Restrictions, especially those regarding visas for stay in the country, have been eased and lifted for humanitarian organizations and NGOs. Activist lawyers have also been returned their licenses and right to practice on a piecemeal basis.¹⁶⁸ The suspension of the Myitsone Dam construction¹⁶⁹ proved to the international and domestic community that civil society was flourishing and gaining power. Mass protests over the environmental destruction that would be caused by the construction of the dam pressured the government to suspend the dam project.¹⁷⁰ The Myitsone Dam decision demonstrates that the government is becoming increasingly responsive to the population and that the voices of social movements and groups in the civil society are gaining strength.

There have also been several restrictions on the development of civil society in Burma. The idea that “Burma is for Burmans” and the “Burmanization” process that occurred during the years of military rule have created a very narrow stream of norms and ideals based on an ethnically homogenous state. Ethnic groups of other religions, especially the Christian Karen, have been suppressed, as well as other ethnic groups and others in support of ethnic pride.

Political Society

The 2012 by-elections opened up the political arena by allowing Aung San Suu Kyi and the NLD to run and recognizing their success for the first time in history. In the 2012 election, 46

¹⁶⁷ Holliday, 95.

¹⁶⁸ Ibid.

¹⁶⁹ The Myitsone Dam is a large hydroelectric power project on the Irrawaddy River in Burma that would provide electricity to southern China once completed. Flooding and a general hostility towards the Chinese in Burma have caused the dam to be a controversial subject among citizens.

Thomas Fuller, “Myanmar Backs Down, Suspending Dam Project,” *The New York Times*, (2011).

¹⁷⁰ Hlaing, 207.

of 664 total seats were contested and the NLD won 43 of the 44 seats they contested.¹⁷¹ In the 2010 elections there were also a number of ethnic political parties that won seats, notably the Shan Nationals Democratic Party.¹⁷² Despite these reforms in the electoral process, aspects of the 2008 Constitution continue to hinder the development of the political society. The fact that Aung San Suu Kyi is currently not eligible for the presidency in the 2015 election decreases the freedom of political actors being able to compete for power freely in the political arena. Additionally, the government postponed by-elections in the Kachin ethnic state due to increased violence between the Burmese government and the Kachin Independence Army.¹⁷³

The parliamentary session held on August 22, 2011 showed further steps in the right direction along the path of democratization. In these sessions, members of parliament had the opportunity to speak freely about issues and raise questions to the government. The ministers also answered all questions with thorough answers.¹⁷⁴ Following the parliamentary sessions no groups that had participated were suppressed.

Rule of Law

Prior to the 2008 Constitution, the military government of Burma had been ruling in the absence of any mechanism that would hold the government accountable. Therefore, institutions had to be created in an environment where no institutions for democratic governance or accountability existed.¹⁷⁵ There was also no legal basis or organized group that could legally challenge the junta. From 1988 until the 2008 Constitution, there existed

¹⁷¹ Charlie Campbell, "Final Results – NLD Wins 43 out of 44 Seats," *The Irrawaddy*, (2012).

¹⁷² Englehart, 677-678.

¹⁷³ "Freedom in the World 2013 (Burma)."

¹⁷⁴ Hlaing, 198.

¹⁷⁵ Englehart, 671.

no constitution, no legislature and no legal political parties.¹⁷⁶

The rule of law in Burma is very weak and underdeveloped. According to Transparency International, in 2010 the rule of law rating in Burma was -1.5 on a scale from -2.5 to 2.5, with higher positive values corresponding to better governance. Significant changes in the rule of law and constitution have not occurred since the data was published in 2010. Additionally, Transparency International gives Burma a score of 21/100, with 100 being the best, on the Corruption Perceptions Index, which ranks the level of corruption of the public sector. This results in Burma ranking 157/177 on this index.¹⁷⁷

In Burma, citizens can still be detained without trial, charge or access to a legal representative for up to five years.¹⁷⁸ Additionally, there are special courts for cases regarding the military, creating unequal treatment between citizens and the military.¹⁷⁹ Without separation of the judicial branch from the executive branch, rule of law cannot flourish in Burmese society. Corruption, especially extra payments to judges, will need to be controlled before a genuine Rechtsstaat can exist in Burma.

State Apparatus

Many domestic and international groups have expressed dissatisfaction with the quality of the state apparatus. The Myitsone Dam construction project was met by mass protests against government plans. This was, however, resolved for the time being in favor of the civil society. Furthermore, there is domestic dissatisfaction with the high percentage of military members in parliament and with the 2008 Constitution. From an international standpoint, dissatisfaction with the actions of the state has been pointed at ethnic conflicts and violent suppression, especially

¹⁷⁶ Ibid., 674.

¹⁷⁷ "Corruption by Country (Myanmar)," Transparency International, accessed October 2013.

¹⁷⁸ "Freedom in the World 2013 (Burma)."

¹⁷⁹ Burma Lawyers' Council, "Revealing Burma's system of impunity: A briefer for the commission of inquiry campaign," *Burma Partnership*, (2011).

those against the Rohingya Muslims in the Rakhine state.

Economic Society

The economy of Burma remains extremely underdeveloped due to decades of isolation from foreign investors and the world market. Most recently, economic growth has begun to increase with the opening up of the market, and a relaxation of imposed EU and US sanctions. On April 1, 2012 an internationally recognized, official floating exchange rate starting at 818 kyat to one U.S. dollar¹⁸⁰ was established and the banking system in the country began to grow.¹⁸¹

Conclusion

The initial stages of Burma's democratization have included many successful measures that have opened up the country to many liberal reforms, particularly within the civil, political and economic societies. At the same time, efforts made thus far to democratize have also reinforced military rule, hindering progression and completion of a successful democracy. The drafting and passing of the 2008 Constitution and the elections in 2010 were important liberal strides towards democratization, even if they fell short of initiating a democratic transition. The 2012 by-elections, even though only 46 out of 664 seats in the national parliament were contested, are the first true instance of free and fair, internationally observed elections, therefore initiating transition.

The two main hindrances to democratization in Burma are the ethnic problem and the 2008 Constitution. Because of Burma's history, the ethnic groups living in the periphery of Burma feel no connection with the central government of Burma and wish to autonomously

¹⁸⁰ Before introducing the new managed float policy, the exchange rate was fixed and black market exchange rates flourished. The new managed float policy would unify exchange rates, making it easier for international investors to invest in Burma; Holliday, 97.

¹⁸¹ Holliday, 97.

establish and maintain their ethnic states. Many of these ethnic groups are denied citizenship by the government, making it impossible for them to claim the right to their land or have a political voice in the new government. Addressing this issue through the implementation of an Indonesian style federal system is likely the most promising answer to unifying the country. The second major barrier to democratization is the current constitution. The 2008 Constitution was clearly written by the military and used by the military to legitimate and legalize its authority. Until revisions are made, the military will have the deciding voice in parliament, with a twenty-five percent guaranteed vote, and has the option to legally take over the country again if it feels the security of the state is threatened. Revisions to the constitution, similar to those that took place between the 1999 and 2004 elections in Indonesia, which eliminated all reserved seats in parliament for military appointees,¹⁸² will be necessary before democracy can flourish.

PART THREE:

UNDERSTANDING THE CAUSES OF THE BURMESE DEMOCRATIZATION

Introduction

In Part II, I have explained the dependent variable, democratization, and established that Burma is still in the very early stages of transition. Using the framework for democratic transition and consolidation developed by Linz and Stepan, I have shown that Burma began a transition with the by-election of 2012 and explained the aspects of Burmese society that hinder transition completion and progress into consolidation. I have argued what needs to change in order for democratization to flourish within Burma. The next section, Part III, develops a theory

¹⁸² Diamond, 144.

for why Burma democratized when it did, introducing the independent variables in my hypothesis. The groundwork established in Part II is important to this next section because it outlines the continued military presence in the new democracy, and the fragile relationship between the new political society, civil society and the military. This framework will help understand the tension between the Burmese government's need for the international recognition and legitimacy of the country on the one hand, and its desire to maintain its sovereignty on the other.

The major question to be addressed in this section is why did Burma democratize when it did? My hypothesis is that Burma needed the international legitimacy and recognition of the international community in order to survive in a globalizing world, and the regime saw an opportunity to obtain this by chairing ASEAN in 2014. I begin part III by arguing that Burma can be considered a part of Huntington's Third Wave of democratization, and introduce Huntington's five independent variables that he argues cause Third Wave transitions. The five independent variables, which will be introduced in detail later in this section, all pertain to the rise of the importance of international law and institutions in international order. Following World War II, institutions became vital to international order, in order to prevent another large scale war. Sovereignty is traditionally considered one of the most legitimized institutions in the international arena. Following the war, international law gained strength and legitimacy as an institution.¹⁸³

The dominance of Western democracy at the end of the Cold War expedited the global trend towards universal democracy and human rights standards, as established by the Western

¹⁸³ David P. Fidler, "The return of the standard of civilization," *Chicago Journal of International Law* 2, no. 1 (2001): 146-147.

European and Northern American actors.¹⁸⁴ As democracy and human security became legitimized concepts in the international arena, particularly through the use of international institutions driven by these Western actors, the institutions of sovereignty and international law began to change. International law justified the new global standard as being one where democracy and individual freedoms were the “only game in town.”¹⁸⁵ Sovereignty became layered and distributed, changing the idea of what it meant to be a “state” in the international arena. Westphalian sovereignty, traditionally viewed as the “only game in town”, since it establishes the definition of a state, has now become a necessary, but not sufficient ingredient to becoming a legitimized state actor. In Part III, I will introduce four aspects of state sovereignty developed by Stephen Krasner: Westphalian sovereignty, domestic sovereignty, interdependence sovereignty and international legal sovereignty.¹⁸⁶ I argue that the concept of state sovereignty is becoming conditional to liberal norms and standards set by institutions and powerful, democratic states. Once international legal sovereignty, or the mutual recognition of state sovereignty, has been established, normally through admittance into the United Nations, state recognition, or legitimacy, becomes conditional to the changing rules of the game.

Throughout Part III, I will defend my hypothesis that it is the desire for international legitimacy and recognition as a credible sovereign state that is driving Burmese and ASEAN actors. As institutions became the driving actors of international order, they established a form of sovereignty, moving the concept of sovereignty from pertaining only to states to a concept pertaining to a variety of actors. Ian Hurd argues that “sovereignty exists wherever processes of

¹⁸⁴ Fidler, 146.

¹⁸⁵ Ibid., 147-148.

¹⁸⁶ Stephen D. Krasner, “Abiding sovereignty,” *International Political Science Review* 22, no. 3 (2001): 232.

legitimation create powerful institutions of authority in world politics.”¹⁸⁷ The authority that institutions exercise provides evidence that sovereignty does not only pertain to the state, and that the sovereign state is not the ultimate unit of the international system.¹⁸⁸ I argue that ASEAN was created to protect Westphalian sovereignty while also establishing international legal sovereignty among member states, and among member states and other international actors. ASEAN, like many other international organizations, also obtained a form of sovereignty based on mutual recognition, as other actors held it accountable for the actions of its member states and it became expected to influence actions and decisions of member states. ASEAN differed from other international organizations in that its principal state actors maintained a strong belief in its traditional policy, known as the “ASEAN Way”, which stressed the importance in the affairs of members of non-intervention and consensus among all members on any significant issue. I argue that Burma joined ASEAN as a means to strengthen and legitimate its international legal sovereignty, or recognition as a legitimate state actor. Burma officially received the right to this sovereignty in 1948 when it joined the United Nations; however, it feels its sovereignty threatened by the global liberal changes of many powerful UN member states. It desired this form of sovereignty that the other Southeast Asian states had obtained through membership in ASEAN. Burma would quickly learn that joining the web of international institutions would mean conforming to the global trend of political liberalization in order to maintain recognition and credibility.

Admitting Burma created a legitimacy crisis for ASEAN and the other member states of ASEAN, since they depended on ASEAN to strengthen and enhance their recognition as

¹⁸⁷ Ian Hurd, *After Anarchy: Legitimacy and power in the United Nations Security Council*, (Princeton, NJ: Princeton University Press, 2007), 46.

¹⁸⁸ Hurd, 63.

individual states and as a region in the international arena. The European Union and the United States criticized ASEAN and pressured ASEAN as an organization to manage the affairs of Burma. In this part of my thesis I will show, using a timeline of events starting with Burma's admittance to the organization in 1997, how ASEAN was used as an agent by external actors, namely the European Union and the United States, as well as the individual member states to promote democratization in Burma. I will show how the use of ASEAN was necessary to bring about change in Burma, compared to unilateral or bilateral efforts by the individual actors.

In the last part of Part III, I will explain the importance of the ASEAN Chair in the timing of democratization. I will argue that the request to chair the organization in 2014, two years before its scheduled turn, was Burma's way of proving to the international community its credibility as an international actor. Chairing the organization was crucial for Burma in obtaining the legitimacy needed to become a competitive state actor. Obtaining the chair prior to its scheduled year would prove Burma's worthiness to the international community, showing that Burma was viewed as a legitimate actor by ASEAN, being allowed to administer discussions and events on ASEAN's behalf. Part III will demonstrate that Burma democratized as a need for international recognition, and believed this to be obtainable through chairing the organization.

Burma: A Third Wave Transition Country?

Samuel Huntington's theory of democratization describes three major waves. He argues there are also two reverse waves, subsequent to the first two waves of democratization. The first wave occurred from 1828 to 1926 with the emergence of democratic institutions.¹⁸⁹ The first reverse wave followed from 1922 to 1942 with the rise of communist, fascist and militaristic ideologies. The second wave of democratization occurred from 1943 to 1962 and had its roots in

¹⁸⁹ Huntington, 16.

World War II and the promotion of democratic values and institutions by the allied forces.¹⁹⁰ The second reverse wave lasted from 1958 to 1975 and was driven by distrust towards the pertinence of democracy in developing countries and functionality of democracy in already democratic nations. Democracy was suppressed mainly through military coups or the implementation of martial law.¹⁹¹

The third wave of democratization began in 1974, and is arguably still in effect. The majority of third wave democratizations occurred in the 1970s and 1980s with southern Europe and Latin America undergoing democratic transitions, and the end of the Cold War.¹⁹² Indonesia began democratic transition in 1997 and is still considered to be part of the third wave. I argue that Burma is also part of the third wave of democratization, despite being significantly later than other third wave democratizers. Although more than a decade apart from one another, both Indonesia and Burma began democratic transitions very late in the third wave. The Cold War atmosphere in Southeast Asia only strengthened authoritarian regimes, as the newly independent countries felt their national sovereignty threatened by the two competing powers. For this reason, military regimes in both Indonesia and Burma prospered during the Cold War period. Despite both being run by the military, the foreign policies and international efforts of the two countries differed greatly. Indonesia, as a founding member of ASEAN, was active in strengthening regional cooperation and security in order to unite Southeast Asia against external powers, particularly the Cold War rivals. Burma, on the other hand, adopted an isolationist foreign policy, shielding itself from regional and other external powers. Burma's isolation may have been an important factor in its later democratization in comparison to Indonesia.

¹⁹⁰ Ibid., 18.

¹⁹¹ Ibid., 19 & 21.

¹⁹² Ibid., 21-24.

In Huntington's study, democratization is the dependent variable.¹⁹³ There are many independent variables that have the ability to contribute to change in the dependent variable. The study is complex, in that the independent variables change from time to time and differ significantly between different places and situations. Democratization cannot be explained by one factor, and is therefore always a combination of factors. The same set of independent variables can also not be used to explain a wave, as cases within the wave vary greatly.¹⁹⁴ That being said, Huntington argues that there are five significant changes to plausible independent variables that play significant roles in bringing about third wave transitions. They are the deepening legitimacy problems of authoritarian systems, the unprecedented global economic growth of the 1960s, changes in the doctrine of the Catholic Church, changes in the policies of external actors, and demonstration effects fostered by the globalization of communication and transportation.¹⁹⁵

I view all of these factors as related to the rise of international law and institutions as a form of international order. They have fostered a general international shift towards multilateral action and interdependency through institutions. With regards to Burma, no changes of the five listed plausibly connects to the country's initiation of democratization. I argue instead that the late democratization of Burma in the third wave was brought about by a combination of changes in the policies of external actors and growing legitimacy problems for both the regime and ASEAN. The regime in Burma realized the difficulties of surviving in a world where democracy and human rights were becoming legitimate norms of international law and where national sovereignty was losing its traditional meaning. The timing of Burma's

¹⁹³ Huntington, 34.

¹⁹⁴ Ibid., 38.

¹⁹⁵ Ibid., 45-46.

democratization can be explained by Burma's desperate desire to chair ASEAN, as a mechanism towards becoming a recognized, legitimate international actor.

The process began with changes in the policies of external actors, particularly the rising acceptance of universal freedoms and human rights. ASEAN, founded in 1967,¹⁹⁶ was created at a time when international values regarding universal democracy and human rights were beginning to take precedence in the foreign policy agendas of major Western actors. These values were not yet deeply institutionalized in the policies of major Western-led international organizations. Overtime, as Western values of democracy and human rights became legitimized, countries within ASEAN and the Southeast Asian region began to democratize and accept, to some extent, these new ideals. These policies became deeply embedded in international law and international institutions, such as the EU and UN, which began to legitimize these policies as international norms and standards. ASEAN, a weak international institution became threatened by the stronger, more democratic institutions; particularly as an increasing number of Southeast Asian countries became more liberal and democratic. As the number of democracies increased in the world, democracy developed in Southeast Asia, particularly within Indonesia, the Philippines and Thailand. As an institution ASEAN became vulnerable to the growing dependency and importance that international institutions, particularly regional organizations had on the internal affairs of its member states.

The changes in the policies of external actors towards liberal universal values, contributed to a legitimacy problem as a cause in the democratization of Burma. The spread of democracy in Asia and the growth of the international communication and transportation system caused the ideas of democracy and human rights to reach the population of Burma and continuously decrease

¹⁹⁶ "History: The Founding of ASEAN," Association of Southeast Asian Nations, accessed February 2014.

the legitimacy of the military regime. The growing interest in the idea of universal democracy and human rights from Western powers also created a deepening legitimacy problem for ASEAN with regards to Burma. Although ASEAN traditionally favors a policy of non-intervention and quiet diplomacy, the declining legitimacy and credibility that the organization suffered from the situation in Burma, caused ASEAN to readjust its policies on Burma. Additionally, as more countries within Southeast Asia democratized or liberalized, and as the international arena became increasingly dependent on institutions for maintaining global order, ASEAN as a whole became more liberal and active in the fight against human rights violations. In this thesis, I will first show how Huntington's five changes played an important role in the democratization of Burma, as well as why others did not. I will then argue how these factors caused ASEAN, as an institution, to be used by several different actors to push democratization in Burma, and why the use of the institution was necessary over unilateral or bilateral policies.

Huntington's Five Significant Changes

1. Deep Legitimacy Problems of Authoritarian Systems

“The strongest is never strong enough to be always the master, unless he transforms strength into right and obedience into duty (Rousseau).”¹⁹⁷ Principles of enlightenment, literacy and globalization, particularly in the spread of ideas, have changed the way in which people view the legitimacy of their regimes. Although the military regime in Burma was able to suppress each opposition movement with violence, the problem of legitimacy and performance became one of the factors leading to democratization in Burma.

Huntington names five ways that authoritarian governments responded to their declining legitimacy. Many leaders refused to acknowledge the weakness of their leadership or regime and

¹⁹⁷ Huntington, 46.

hoped that they would simply continue to survive. Second, they used brute force to install coerced obedience, as seen with Burma's suppression of protests. Third, regimes attempted to build attention towards a new foreign conflict and re-legitimize themselves through a sense of strong nationalism. Fourth, the authoritarian governments used democratic mechanisms to relegitimize their authoritarian rule. Most used elections, confident that they would obtain the majority and be able to remain in power.¹⁹⁸ Burma attempted once to relegitimize its military government through elections. The elections held in 1990 resulted in a loss for the military government and its party.¹⁹⁹ Faced with the reality that the elections had not reinforced their rule, the government simply refused to acknowledge the election results and continued to remain in power. Fifth, the regime itself could introduce a democratic system. This normally occurs after a change in leadership in the authoritarian regime.²⁰⁰ The rise of Thein Sein in the 2010 elections can be seen as a democratic action taken by the regime itself. The beginning of the democratic transition process in 2012 was then brought about by a change in leadership. Thein Sein was part of the military regime, but has proven to be a soft-liner and reformist in his years of presidency thus far.

In the case of Burma we see methods four and five at work. The legitimization of international norms of democracy caused the Burmese government to realize that democratic reform was the key to its own legitimacy. Like most authoritarian governments that willingly undergo democratic transition, the Burmese government believed that a top-down approach to installing democracy would allow it to maintain control over the country, while presenting the outside world with a democratic facade. However, the legitimacy crisis of the regime alone cannot explain the democratization of Burma, as it is not evident by this one example where

¹⁹⁸ Ibid., 55-56.

¹⁹⁹ Fink, 66.

²⁰⁰ Huntington, 57.

the legitimacy crisis comes from and what brought about sudden change after decades of military rule.

2. Unprecedented global economic growth of the 1960s

Huntington argues that the unprecedented global economic growth of the 1960s, which raised living standards, increased education and expanded the urban middle-class, was one cause of third wave transitions.²⁰¹ He argues that economic crises weakened or destabilized regimes, strengthening would-be democrats. He also argues that rapid economic growth in countries naturally facilitated democratic transitions. This economic development he argues, promotes the expansion of the middle class, who become the biggest supporters of democratization.²⁰²

The strength of the military and the isolationist foreign policy stance of the Burmese government hindered economic growth, or the rise of an educated, urban middle class from being the leading forces behind democratization. Following the coup in 1962, Ne Win chose to isolate Burma from the outside world, rather than engage with it, for fear of losing its newly gained independence.²⁰³ While other countries allowed their economies to flourish, Burma's economy continued to disintegrate. Protests against the military dictator, U Ne Win, and his socialist government, the BSPP, did occur regularly in the aftermath of significant economic downturns. Each time the military was strong enough to suppress the opposition, blocking any attempts for democracy to flourish.

Leading into the protests in August 1988, Burma had received the status of 'Least Developed Country' from the UN, and the government had withdrawn the new currency notes,

²⁰¹ Huntington, 45.

²⁰² Ibid., 59.

²⁰³ Taylor, 295-301.

raised student tuition rates, and forced farmers to sell below market price.²⁰⁴ The protests of 1988 did not, however, lead to democracy. Instead they brought a military junta to power, which would remain in power until 2010. In 2007, the Saffron Rebellion protests were also economically driven. The removal of fuel subsidies caused gas prices to spike overnight. These protests proved also to be unsuccessful in bringing about a democratic transition in Burma, as they were brutally shut down by the military government. The fact that Burma was able to avoid significant economic growth and democratization well into the 21st century, leads us to believe that the global economic growth of the 1960s was irrelevant to the democratization of Burma.

3. Changes in the doctrine of the Catholic Church

Huntington's argument that the spread of Christianity, especially the changes in the Catholic doctrine in the 1960s and 1970s that involved the Church further in social and political affairs, brought about a number of Third Wave democratic transitions. There are three major reasons why the spread of Christianity and the change in the Catholic doctrine are irrelevant, in my opinion, to the democratization of Burma. First, unlike their Spanish and Portuguese neighbors, the British were not concerned with missionary work in their colonization efforts, and as a predominantly Protestant country, the involvement of the Catholic church in the society was of little concern or interest to them. Second, Burma historically has strong ties between the Buddhist religion and the political societies. Buddhism has played a major role in shaping the political and civil society throughout most of modern day Burma. Burmese kings have historically been considered to be 'semi-divine' rulers. As most Burmans were Buddhist, Buddhism as a national religion became a driving unifying factor behind the nationalistic

²⁰⁴ Ibid., 397.

movement for independence.²⁰⁵ Third, democratic transitions brought about through the spread of Christianity or the new doctrine of the Catholic Church had died out by about 1990.²⁰⁶

4. Changes in policies of external actors

The Third Wave of democratization began around the same time as the ideas of democracy and human rights began to become institutionalized as international norms. Following the Cold War, more countries began to view the use of institutions and multilateral actions as more legitimate than unilateral or bilateral efforts.²⁰⁷ This was due to the growing concern about maintaining international order and cooperation. In order to avoid another war between major powers, a need for order, accountability and information was prevalent among states. International law became stronger as institutions became more powerful bodies. The legitimization of democracy and human rights through the strengthening of international institutions, in combination with the desire of states to be a part of the institutions, caused a decreasing legitimacy of Westphalian sovereignty. International Relations scholar, Stephen D. Krasner, identifies 4 types of sovereignty, which will be discussed in detail later.²⁰⁸ Of Krasner's four types of sovereignty, legal sovereignty and domestic sovereignty were beginning to trump Westphalian sovereignty, as sovereignty became layered and distributed among international institutions. Sovereignty can historically always be described as a product of legitimacy and recognition. However, with the growing trend towards a liberal world and the further distribution of sovereignty away from states, state sovereignty becomes increasingly more conditional. Measures of conditionality are set and judged by primarily Western, liberal, democratic states.

Europe and the United States took the lead in trying to implement and spread the idea of

²⁰⁵ Fink, 36.

²⁰⁶ Huntington, 281-282.

²⁰⁷ Alexander Thompson, Channels of Power: The UN Security Council and U.S. statecraft in Iraq (Ithaca: Cornell University Press, 2009), 10.

²⁰⁸ Krasner, 232.

universal democracy and human rights. At the start of the Third Wave, the European Union initiated action through the Conference on Security and Cooperation in Europe, which was concluded with the Helsinki Final Act, and the Helsinki Process. All three produced documents regarding the international legitimization of human rights and basic freedoms, as well as the permission for international monitoring of human rights.²⁰⁹

The European Union, as a strong regional institution, became a major dialogue and trade partner for ASEAN, as ASEAN developed into a regional organization. Eventually, as democracy became legitimized as a norm of the European Union, ASEAN became subject to Europe's ideals on international human rights and democracy. The European Union, as an external organization, began to place significant pressure on ASEAN with regards to Burma, following Burma's admittance to the organization in 1997.

The United States was the other major Western actor that involved itself in the spread of international human rights and universal democracy. In the 1970s, the United States Congress added human rights amendments to the Foreign Assistance Act, the Mutual Assistance Act, the Trade Reform Act, and the International Financial Institutions Act. All of these new amendments emphasized that countries guilty of violating basic human rights would not be given assistance.²¹⁰ The Carter and Reagan administrations focused on individual human rights and suspended economic assistance to several countries violating the terms of basic human rights. The Reagan administration originally emphasized the need to counter communist regimes but eventually moved to promoting democratic change in other authoritarian governments as well.²¹¹ Similar to the EU, the US began to not only directly pressure Burma to abide by the ideas of

²⁰⁹ Huntington, 89.

²¹⁰ Huntington, 91-92.

²¹¹ Ibid., 92.

democracy and universal human rights, but also ASEAN to foster democracy in Burma, as a member of the organization.

5. Snowballing or demonstration effects

Snowballing can be considered the domino effect of democratization. Democratic change is encouraged in other countries through examples of successful democratizations elsewhere.²¹²

There are three main influences that could lead to a snowballing democratization effect. The first is that a country may decide it is facing similar problems experienced by the newly democratized country, prior to successful democratization. Second, governments with problems may turn to democratization as a solution because they have seen how democracy can successfully solve problems in other nations. Thirdly, a country may choose to undergo democratic change because of the status of the recently democratized country, which has become their model.²¹³

Of the three waves, the snowballing effect was most prevalent in the Third Wave. Globalization elements, particularly global communication and transportation fostered the spread of information regarding political demonstrations, and successful stories of democratization elsewhere.²¹⁴ It became increasingly difficult and costly for authoritarian governments to completely control media sources within their countries, therefore preventing them from shielding their citizens from new international events. Snowballing effects were still the strongest between countries within the same region or sphere of cultural values.²¹⁵ Although the snowballing effect did not bring about democratic change in Burma, the ideas of democracy and individual freedoms were certainly driving factors in some of the mass demonstrations Burma faced prior to 2010.

²¹² Ibid., 100.

²¹³ Ibid.

²¹⁴ Huntington, 101.

²¹⁵ Ibid., 102.

ASEAN, the reason behind Burma's democratization?

The Legitimacy Problem and the rise of Institutionalism

Jon C. Pevehouse and other notable scholars argue that international and especially regional organizations can foster international support for democracy within their geographical sphere of influence. For Pevehouse, a regional organization is a formal institution whose membership is limited by geographical boundaries.²¹⁶ The capabilities and also the limitations of international and regional organizations, in terms of influence, create an ideal model for analyzing how outside pressure can influence a democratic transition on another regime or population.

Before democratization began, the US and EU both showed little investment interest in Burma, as they did not have strong historical ties with the country nor did they see much economic benefit in the country. More concerned with communist China and a nuclear North Korea, the United States and European Union were not as directly involved in the affairs of Burma. The United States and the European Union were, however, successful in placing enough pressure on ASEAN to create a legitimacy concern for the organization. As ASEAN became more susceptible to global changes regarding institutions and international law, Burma, as a member, began to realize the need to conform to a changing ASEAN and changing world, in order to be viewed as a legitimate actor. Three concepts will be addressed before analyzing the Burmese case study: why institutions became important, the changing nature of sovereignty, and how these ideas became legitimized on a global scale.

Institutions

Both world wars in the 1900s demonstrated that states were becoming more

²¹⁶ Jon C. Pevehouse, Democracy from above: Regional organizations and democratization, (Cambridge, UK: Cambridge University Press, 2005), 3.

interdependent, and that globalization was helping to facilitate the movement of people, technology and ideas at rapid speed. Wars became bigger, deadlier and more international in this sense. Following World War II there was a growing consensus to establish some form of cooperation and order among states in order to prevent another large scale international war. Institutions, particularly international law, became the basis for this international cooperation and order.²¹⁷ Institutions provide the space for information to be exchanged, decrease uncertainty and therefore enhance trust among states. Institutions also increase interdependency among states in economic and political matters, fostering credible commitments between actors, solving collective decision-making problems and facilitating reciprocity.²¹⁸

Both stronger and weaker actors have advantages in using international institutions. In a world where institutions are becoming the building blocks of international order, 'not belonging' is stigmatized as wanting to go against the global norms and expectations. Belonging to an institution provides the state with the 'in-group' identity that fosters recognition, needed to survive in a world of power inequalities. States and institutions wishing to maintain their recognition on an international level must conform to the global trend or risk being stigmatized, or pressured to develop up to par. For weaker states, institutions provide a space of increased bargaining power and political voice.²¹⁹ Through institutions, weaker states come under a protective umbrella of more powerful states, as long as they abide by the norms and values set by those powerful states in the system. Additionally, as institutions are representative of a larger audience, they are able to impose constraints on the intentions of larger states, offering potential protection against

²¹⁷ G. John Ikenberry, "Institutions, strategic restraint, and the persistence of American postwar order," *International Security* 23, no. 3 (1999): 45-46.

²¹⁸ Thompson, 22.

²¹⁹ Thompson, 1.

aggressive, powerful states.²²⁰ Weaker states therefore gain access to more security, sovereignty, and information regarding others intentions.

Stronger states can use institutions to legitimize their ideals and values as internationally accepted norms, as well as to justify different mechanisms of intervention, from diplomatic to military. Intervention approved through an institution legitimates the action, by generating greater international support.²²¹ Unilateral action is deemed more costly than multilateral action, and therefore multilateral action, particularly through institutions, is becoming the normative choice for states.²²² Institutions have a higher degree of neutrality and autonomy than states because they are representatives of a larger community.²²³ Therefore, institutions are arguable agents of its members and serve as information carriers. Claims made unilaterally by a single actor lack neutrality, whereas actions endorsed through an institution become multilateral actions and are rendered believable and defensible,²²⁴ as they are said to be within the boundaries of international law.

Sovereignty is considered to be the strongest international institution since the Treaty of Westphalia, which established sovereignty as the exclusive right of a state to control everything within its territory.²²⁵ Membership in an institution is supposed to be voluntary, as it is the state's right whether to voluntarily enter into an agreement with another state.²²⁶ However, as international law becomes more legitimized as an institution itself, and in the basis of other institutions and organizations, and the concern for human security becomes a global trend, non-members are pressured into either accepting the conditions of an institution or become

²²⁰ Ibid., 25.

²²¹ Ibid., 10.

²²² Ibid., 10-11.

²²³ Ibid., 25.

²²⁴ Thompson, 25.

²²⁵ Krasner, 232.

²²⁶ Ibid., 233.

involuntarily subject to the framework.²²⁷ Legitimacy in institutions is transcending the idea of voluntary compliance in international order, changing the notion of sovereignty for state actors. Both ASEAN and Burma felt the need to involuntarily comply with the growing concerns for international law and human security. ASEAN, as an organization felt pressured by outside actors to adopt a stronger legal framework to hold member states more accountable to the organization, which was becoming more accountable to larger democratic, liberal actors. The concepts of sovereignty and legitimacy will be discussed below.

Sovereignty

Stephen D. Krasner defines four different types of sovereignty. The first type, Westphalian sovereignty, arose out of the Treaty of Westphalia that created an international system of independent, sovereign states. A state can be said to have Westphalian sovereignty if it is not subject to intervention by another state. The state has the right to the monopoly of control within its borders.²²⁸ As most state boundaries were drawn following the end of the period of colonial empires and the fall of the Soviet Union, this was the type of state sovereignty that most newly independent states desired.

The other three types of sovereignty all imply that the state is held accountable to something else, implying that there is some powerful force manipulating the international arena. These three sovereignties are interdependence sovereignty, domestic sovereignty, and legal sovereignty. Interdependence sovereignty refers to a state's ability to control the movement across its borders. This includes ideas, people, goods or capital.²²⁹ This illustrates how much control a state or government has over its boundaries in comparison to other states in a

²²⁷ Hurd, 46.

²²⁸ Krasner, 232.

²²⁹ Ibid., 231.

globalizing world. Unless the state is able to maintain strong control over the influx of ideas and goods entering and exiting its boundaries, the state is vulnerable to the new ideas, cultures and goods originating from a more powerful, legitimate state.

The third type of sovereignty, domestic sovereignty, is the ability of the state authority to govern and regulate behavior within its boundaries.²³⁰ In domestic sovereignty, the authority structure is accountable to the demos it is trying to control. The ability in which it can exercise control over the demos relies heavily on how much the demos accepts and recognizes the authority. The more legitimate an authority is viewed, the more control it will be able to exercise. The less legitimate an authority is viewed, the more difficult it will be to exercise control over the demos without the use of brute force. Domestic sovereignty and interdependence sovereignty are intertwined, in that a decrease in domestic sovereignty can result in a decrease in interdependence sovereignty and vice-versa.²³¹ The more limited control a government has over its people, the more difficult it will be to control who and what is transiting its borders.

The last type of sovereignty, and arguably the most important form of state sovereignty today is international legal sovereignty. A state is said to have international legal sovereignty if it is recognized by other states. This implies that sovereignty is dependent on mutual recognition. Mutual recognition recognizes states as equals in the international system and grants the state exclusive juridical authority over its society.²³² Legal sovereignty therefore is accountable to the most powerful, legitimate actors and ideas in the system. In this sense, legal sovereignty becomes susceptible to the changing ideas of order in the international system. Traditionally, a state is considered to have international legal sovereignty if it has been admitted

²³⁰ Ibid., 232.

²³¹ Krasner, 232.

²³² Ibid., 233.

to the United Nations. Once admitted and recognized as a sovereign state by the definitions of international legal sovereignty, a state does not necessarily lose its international legal sovereignty even if it becomes a rogue or aggressive state. However, if a state does not adopt and follow the global trends of accepted behavior, the international legal sovereignty of the state will become threatened by those leading the trends. The growing legitimacy of the UN as the world institution of states has given it the power to define who is a sovereign state and what the conditions of sovereignty are. As institutions become more like legal bodies, representative of larger bodies of actors and embodying certain norms and expectations, institutions are also gaining the right to sovereignty. For many smaller institutions, such as ASEAN, recognition as a legitimate institution by other institutions is necessary to survive in a world where institutions are gaining sovereignty. It is this type of sovereignty, and the legitimacy needed for this type of sovereignty, that threatens both ASEAN, as an institution, and Burma, as a state.

Krasner's four types of sovereignty pertain to the sovereignty of the state. State sovereignty is what is commonly thought of when sovereignty is mentioned. Post World War II, and particularly post-Cold War, is a time when warfare moved from interstate conflict to intrastate conflict. Additionally, a rising concern for NTS (nontraditional security threats), such as terrorism and natural disasters, and the use of WMD (weapons of mass destruction) has allowed for a new type of sovereignty to take center stage: individual sovereignty or human security.²³³ As democratic values and ideas of universal human rights became embedded in international institutions, such as the United Nations and the European Union, the world began to move from a

²³³ Erik M. Kuhonta, "Toward responsible sovereignty: The case for intervention," in *Hard choices: Security, democracy, and regionalism in Southeast Asia*, ed. Donald K. Emmerson. (Stanford, CA: Walter H. Shorenstein Asia-Pacific Research Center, 2008), 307.

state-centered to a people-centered world,²³⁴ as institutions became, in some aspects, more legitimate than the individual states themselves. UN Secretary General in 1992, Boutros Boutros-Ghali, said, “Respect for a [state's] fundamental sovereignty and integrity is crucial to any international progress... [But] the time of absolute and exclusive sovereignty ...has passed (Boutros Boutros-Ghali).”²³⁵

The United Nations, the most representative institution of the international arena, has been the driving force behind the legitimization of human security and individual sovereignty. The term “human security” was coined by the UNDP (United Nations Development Program) and refers to “the freedom from fear and want,” stressing the importance of the well-being of individuals.²³⁶ The International Commission on Intervention and State Sovereignty's report in 2001, *The Responsibility to Protect (R2P)*, further stressed the importance of individual sovereignty, displaying the increasing global trend towards a world where universal human rights and freedoms are respected. It emphasizes the power and legitimacy of international institutions in that it grants the right of the international community, through institutions, to intervene in another sovereign state if the state does not take responsibility for the well-being of its citizens.²³⁷ This idea holds states accountable to norms of human rights in the international system. Individual states are pressured by the international community to protect their citizens, and elites become accountable to institutions capable of intervening, should they not uphold their responsibility to protect the demos.²³⁸ This implies a global shift from a traditional

²³⁴ Kuhonta, 307.

²³⁵ Ibid.

²³⁶ Joern Dosch, “Sovereignty rules: Human security, civil society, and the limits of liberal reform,” in *Hard choices: Security, democracy and regionalism in Southeast Asia*, ed. Donald K. Emmerson. (Stanford, CA: Walter H. Shorenstein Asia-Pacific Research Center, 2008), 63.

²³⁷ Kuhonta, 308.

²³⁸ Ibid.

international norm of non-intervention, to a norm of intervention when certain norms regarding human rights are not upheld.

Legitimacy

Legitimacy, as defined by Mark Suchman (1995), is a “generalized perception/assumption that the actions of an entity are desirable, proper, and appropriate within some socially constructed system of norms, values, beliefs, definitions.”²³⁹ It is the socially recognized right to rule or control. If a rule or institution in the international arena is considered to be legitimate, a majority of states believe that it ought to be obeyed. Legitimacy implies that states act according to 'logic of appropriateness' and not according to a rational cost-benefit analysis.²⁴⁰ Actors are following legitimized norms and procedures on the basis that it is what they should be doing, and not because it is the best option in the given situation.

Legitimacy is not coercion or self-interest; however, in many cases a legitimized idea or action began as relations of coercion and self-interest.²⁴¹ Coercion gets an actor to involuntarily comply through the motivation of fear or punishment. A decision made through self-interest is made after undergoing a cost-benefit analysis of complying vs. not complying. An institution can invoke compliance as self-interest of its members by making the consequences of not complying undesirable.²⁴²

Legitimacy requires that there are two or more actors that mutually acknowledge and comply with a norm. Before an idea can be legitimized, it must first exist and then be internalized by the individual actors. At first, an actor may be forced to comply with the idea through the coercer, or by rationally evaluating the outcome of not complying. Overtime, the idea becomes

²³⁹ Christian Reus-Smit, “International Crises of Legitimacy,” *International Politics* 44, (2007), 158.

²⁴⁰ Hurd, 73.

²⁴¹ *Ibid.*, 35 & 40.

²⁴² *Ibid.*, 37.

internalized until finally the actor complies with the legitimized norm out of habit, instead of out of need or interest. As the number of actors that have legitimized the norm increase, the more legitimate the rule becomes on a global scale. It is when an idea becomes legitimized at the international level that nonbelievers can no longer ignore the rule if they don't agree with it.²⁴³ Nonbelievers become stigmatized against the international norm, as there is enough support for the norm to create a right vs. wrong. Burma is a classic example of a country that became stigmatized by the international norms of democracy and human rights as those norms became increasingly legitimized. The more legitimate these norms became, particularly within member countries of ASEAN, the more difficult it became to ignore and counter the norm. Eventually, out of both coercion and self-interest Burma was forced to comply with the legitimate norms of the “in-group.”

The concepts of institutions and sovereignty within international relations, and how they become legitimized are important to the discussion of democratization in Burma. The next part of this thesis will describe how these concepts played vital roles in making ASEAN, as an institution, more accountable to international norms and standards of other international institutions and actors. I will then show how Burma's democratization was a combination of coercion and self-interest. Coercers used ASEAN as an institution to pressure Burma to comply with norms of democracy and human rights. In line with this, Burma also acted out of self-interest, the need for international legal sovereignty that it felt it could gain through chairing ASEAN, in order to become a recognized credible state. To prove my thesis, I will start with the creation of ASEAN and work my way up to Burma's start as the 2014 ASEAN chair.

ASEAN

²⁴³ Ibid., 46.

ASEAN was created in the signing of the Bangkok Declaration on August 8, 1967 by the foreign ministers of Indonesia, the Philippines, Thailand, Malaysia and Singapore. Established in the midst of the Cold War, the objective of ASEAN was to foster regional cooperation and create a security buffer from the Cold War rivals in the region.²⁴⁴ Adam Malik stated, “ASEAN can be seen as reflecting the growing political will of the nations of this region to take charge of their own future, to work out problems of their development, stability and security together and to prevent their region from continuing to remain the arena and subject of major power rivalry and then conflict.”²⁴⁵

Security and economic cooperation were the main reasons for the formation of the organization. The countries of Southeast Asia are extremely diverse in political, economic, social and cultural matters, making it harder for ASEAN to develop as a homogenous regional organization. These diverse backgrounds and beliefs in political systems, cultural norms and ideologies hindered the region from becoming a strong political institution. Initially, it was publicly stated that ASEAN was to be primarily an economic organization, concerned with fostering trade liberalization and economic growth within the region.²⁴⁶ However, it is obvious that security was a significant factor in the groundwork of the organization, as the sovereignty of the newly independent states threatened to fall victim again to world powers during the Cold War. In terms of security, member states, especially the smaller and weaker states of Southeast Asia, believed that the organization would provide a sense of security and strength in the international arena.²⁴⁷

With the exception of Thailand, all of the countries belonging to ASEAN suffered from

²⁴⁴ Dosch, 59.

²⁴⁵ Shee Poon-Kim, “A Decade of ASEAN, 1967-1977,” *Asian Survey* 17, no. 8 (1977): 754.

²⁴⁶ Poon-Kim, 759.

²⁴⁷ *Ibid.*, 755.

great power intervention and colonization until the middle of the 20th century. This common historical background and the fear that arose out of this time period were important in developing the basic conditions and agreements for security measures under ASEAN.²⁴⁸ The memories of colonization created a strong sense of respect for Westphalian sovereignty among the nations of the organization. At the time most Southeast Asian countries gained independence, Westphalian sovereignty, or the exclusive right of the state to rule everything within its boundaries, was the strongest form of sovereignty sought by states. In 1967, the only type of sovereignty that the founding members of ASEAN had in common was Westphalian sovereignty. The newly independent states struggled with claiming domestic and interdependence sovereignty, because they were still adjusting to the idea of an independent, sovereign state and how to effectively govern their people while protecting their borders. ASEAN, in a sense, was created out of a need to strengthen the international legal sovereignty of member states between one another on a regional level.²⁴⁹ By cooperating through a regional organization, members were able to recognize each other's right to exist and respect the territories of fellow members. This need for the protection of Westphalian sovereignty, in combination with the need to establish mutual recognition among member states and more powerful international actors, was vital to the diplomatic structure of ASEAN, known as the "ASEAN Way."²⁵⁰

ASEAN adopted many of its basic principles from the United Nations Charter, which is also generally viewed as the basis of international law. The four elements of "ASEAN way"

²⁴⁸ Hiro Katsumata, "Reconstruction of diplomatic norms in Southeast Asia: The case for strict adherence to the "ASEAN Way"," *Contemporary Southeast Asia* 25, no. 1 (2011): 112.

²⁴⁹ As previously mentioned, countries gained international legal sovereignty globally through joining the United Nations. However, at this time the UN was still a growing institution that did not enjoy the legitimacy it enjoys today. ASEAN, created in the middle of the Cold War and Vietnam War, established and legitimized this form of sovereignty regionally. This recognition was important to members because of the competing political ideologies and great power tension in the region.

²⁵⁰ Poon-Kim, 764.

diplomacy include: principles of non-interference in internal affairs, the principle of quiet diplomacy, the non-use of force, but peaceful settlement of disputes, and the principle of decision making through consensus.²⁵¹ The founding nations of ASEAN argued that interference in the domestic affairs of member states would only impede the necessary nation-building processes they believed were most important to the newly independent states. The right to rule its territory and the recognition of the right to the territory were aspects that the newly independent states of Southeast Asia strived for after a past of great power intervention. The principle of quiet diplomacy means that members will resist and refrain from openly criticizing other member states in public. This idea is based on the belief that nations need to experience a high level of comfort and trust in the regional organization in order for the organization to obtain the unity and cooperative security it needs in the international arena. The principle of non-use of force was also adopted in order to foster trust and comfort among member states. The last principle, the principle of decision making through consensus, requires that states come to a completely agreed upon settlement and that decisions would not be imposed on members through a 'majority-rules' voting process.²⁵² To this extent, the organization is only as strong as its weakest member, because consensus agreements entail that state's votes and opinions are regarded equally and that states may not override an idea not accepted by a member state.²⁵³

It is generally accepted that the more homogeneously democratic the membership of a regional organization, the higher the possibility that it will have the power and capability to pressure and influence authoritarian and autocratic governments to democratize and also enforce

²⁵¹ Katsumata, 106-107.

²⁵² Katsumata, 107.

²⁵³ Donald K. Emmerson, "Critical terms: Security, democracy and regionalism in Southeast Asia," in *Hard Choices: Security, democracy, and regionalism in Southeast Asia*, ed. Donald K. Emmerson. (Stanford, CA: Walter H. Shorenstein Asia-Pacific Research Center, 2008): 50.

the stated conditions for liberalization and assist with consolidation.²⁵⁴ This is the central issue ASEAN faces in regards to constant pressure from the United States and the European Union, as well as the more democratic members of Southeast Asia. The member states of ASEAN are composed of a diverse assortment of political systems and ideologies which lack the high degree of shared interests needed to create a homogeneously democratic organization.²⁵⁵ This results in the near impossibility of coming to agreements on how to deal with the internal political structures of member states,²⁵⁶ which is why the non-interference principle is so important. ASEAN is composed of authoritarian governments, communist governments, countries undergoing political reform and change and a variety of “democracies.” Not all countries in the region are full democracies according to international standards. Of all of the member states in the organization, only Indonesia has been given a rating of “Free” by Freedom House.²⁵⁷ The Philippines and Thailand are two of the well-known examples of other democratic countries within the region, but both receive ratings of partly free due largely to undemocratic principles that occur in both countries.²⁵⁸

In regards to internationally criticized events in Burma, ASEAN, as an organization, was able to uphold the principles of non-interference and quiet diplomacy with Burma. Although Burma experienced significant international condemnation following the brutal repression of civilian protests in 1988 and the elections of 1990, where the government refused to hand over power, ASEAN remained fairly irrelevant to the outside world until its decision to admit Burma in 1997. The year 1997 was arguably a significant turning point for ASEAN and Southeast Asia

²⁵⁴ Pevehouse, 3-4.

²⁵⁵ Ibid., 4.

²⁵⁶ Pevehouse, 4.

²⁵⁷ “Freedom in the World 2013 (Indonesia),” accessed January 2014.

²⁵⁸ “Freedom in the World 2013 (Philippines),” and “Freedom in the World 2013 (Thailand),” Freedom House, accessed September 2013.

as a whole. It marked the year of the Asian financial crisis, initially caused by a collapse of the Thai baht and spread throughout the region, devaluing currencies and crashing stock markets.²⁵⁹ On a more positive note, Burma and Laos were admitted to ASEAN in 1997. Although Cambodia's admittance was deferred in 1997, the organization was on its way to encompassing all ten states of the region, making it truly representative of the entire region.²⁶⁰ East Timor was still a part of Indonesia until 1999 and didn't gain observer status to the organization until 2002. Additionally, only one year later would Indonesia pave the way for democratic changes after the resignation of Suharto. Indonesia, as one of the founding fathers of ASEAN, is the most influential actor in the region, as well as in the organization.

ASEAN, unlike the other actors engaged politically with Burma, appealed to Burma because it upheld the principle of non-interference. In a sense, this provided the groundwork for Burma to achieve a feeling of acceptance and legitimacy upon joining ASEAN in 1997. Through joining, Burma felt it had gained a more prominent image in the global community, but due to the principles of quiet diplomacy and non-intervention it would be able to continue its neutrality and isolationist foreign policies and maintain its sovereignty. Burma saw the benefits of being part of a regional organization including not only international recognition, but also access to trade and monetary benefits, and a sense of security.²⁶¹ Burma also saw ASEAN as a means to escape the diplomatic isolation and economic sanctions from major Western actors. By joining ASEAN, Burma showed that it understood that in order to survive in a globalizing and growing world, international recognition and approval were necessary.

This action came during the time of the shift from Westphalian sovereignty being the

²⁵⁹ Juergen Rueland, "ASEAN and the Asian crisis: theoretical implications and practical consequences for Southeast Asian regionalism," *The Pacific Review* 13, no. 3 (2000): 425-426.

²⁶⁰ Rueland, 434.

²⁶¹ McCarthy, 917-918.

most upheld international norm to legitimacy and recognition being the most important. In order for Burma to maintain its Westphalian sovereignty in a world where liberalization and democratization were growing norms, it needed to establish itself as a recognized participant in the changing system of states. Burma's incentive for joining ASEAN is seen as a way to try and establish the recognition and legitimacy behind international legal sovereignty. The other member states of ASEAN had experienced a strengthening of international legal sovereignty among themselves since the founding of ASEAN, especially as ASEAN entered dialogue partnerships with stronger institutions and actors. The member states not only gained legal sovereignty between each other, but also in the eyes of major Western powers. Through ASEAN, Burmese officials believed they would also be able to obtain this type of sovereignty needed to be a recognized, legitimate actor, while still controlling the territory as they pleased.

At the time of Burma's admittance to the organization, some member countries were undergoing some form of liberalization. As Jörn Dosch, an international relations scholar, says, “[in the post-Cold War era] political change, and increasingly open and liberal political spheres across Southeast Asia have resulted in a broadening and deepening of security discourses, to which ASEAN now has to respond.”²⁶² The biggest security discourse that arose was that of human security and individual freedoms.²⁶³ In 1999 ASEAN foreign ministers had been dealing with regional members via a policy known as “constructive engagement.” The policy was coined by Arsa Sarasin, Thailand's foreign minister, in 1991.²⁶⁴ Member states believed that encouraging trade and diplomatic and economic ties with member countries would produce

²⁶² Dosch, 61.

²⁶³ Ibid.

²⁶⁴ McCarthy, 917.

liberalization more than the Western approach of isolation and condemnation.²⁶⁵ ASEAN members hoped that granting Burma membership would decrease its dependency on China and in turn anchor Burma within a Southeast Asian community.²⁶⁶ In 1997 the ministers of ASEAN already recognized that Burma could create a legitimacy problem for the organization, as Burmese leaders were required to promise that “for admittance they would keep their house in order.”²⁶⁷ The regime attempted to strengthen its international image with its admittance to ASEAN with the change of its name from SLORC to SPDC.²⁶⁸

Western dialogue partners responded to Burma's membership status in the organization by boycotting ASEAN activities and reminding ASEAN that it was now accountable for Burma's actions.²⁶⁹ It wasn't until 2000, three years later, that ASEAN was able to restore full cooperation with the European Union. For continued EU support, ASEAN had to promise to promote and protect human rights in its region.²⁷⁰ These actions illustrate the effects of institutions in the modern world. The powerful actors, namely the United States and European Union, have been able to set the international norms regarded as international law. In addition to unilaterally, or directly engaging with Burma, they use ASEAN as an agent to exert their influence. The fact that both actors denote ASEAN as accountable for Burma, exhibits that ASEAN has some level of sovereignty, which in this situation is considered more legitimate than Burma's sovereignty. By threatening the legitimacy of ASEAN, member states feel their sovereignties threatened. ASEAN as an institution was already being forced to conform to a world where institutions were becoming more legally binding and accountable to their members, in order to maintain its

²⁶⁵ Ibid.

²⁶⁶ Juergen I. Haacke, “The Myanmar Imbroglio and ASEAN: Heading towards the 2010 elections,” *International Affairs* 86, no. 1 (2010): 164.

²⁶⁷ McCarthy, 918.

²⁶⁸ Ibid.

²⁶⁹ Lee Jones, ASEAN, sovereignty and intervention in Southeast Asia, 190-191.

²⁷⁰ Ibid., 196-197.

international legitimacy as an important international and regional actor.

One year after Burma was admitted to ASEAN, former Thai Foreign Minister, Surin Pitsuwan, pushed for ASEAN to accept his policy of “flexible engagement” with regards to Burma. Under this policy, ASEAN would be able to discuss and comment on the domestic affairs of member-states if the affairs had cross-border implications, or concerned the matters of other member states. This idea not only challenged ASEAN's non-interference principle but also the norm of quiet diplomacy as it allowed for the public discussion of members domestic affairs.²⁷¹ This policy was rejected by numerous member state representatives on the basis that it violated ASEAN's well established norms of non-interference and quiet diplomacy. As a compromise, however, the policy of “enhanced interaction” was established, which allowed individual member states to comment on other members' domestic affairs. Although ASEAN justified this new policy on the ground that the organization as a whole was not condemning the domestic affairs of member states,²⁷² it was one of the first steps in the loosening of the policies of the “ASEAN Way” with regards to Burma.

Surin Pitsuwan's proposal is a perfect example of the importance of the legitimacy of institutions in maintaining international order and pursuing action against another actor. Pitsuwan's desire to use ASEAN as an institution to deal with Burma, instead of unilaterally condemning Burma, shows that the Thai Foreign Minister viewed ASEAN's sovereignty and capabilities as more credible. Although his idea was rejected by other member states, the newly established compromise entitled individual member states the right to unilaterally comment on and criticize the domestic affairs of other member states, if the issue at hand threatened the

²⁷¹ Juergen I. Haacke, ““Enhanced Interaction” with Myanmar and the project of a security community: Is ASEAN refining or breaking with its diplomatic and security culture?” *Contemporary Southeast Asia* 27, no. 2 (2011): 191.

²⁷² McCarthy, 919.

security of the condemner. This situation displays ASEAN's legitimacy over the region, as consensus by ASEAN members was required to permit unilateral diplomatic intervention by member states. In a world where institutions are irrelevant, a state would not feel the need to seek the approval of the representative institution before acting unilaterally. This example displays how individual members felt the importance to work multilaterally through ASEAN with regards to Burma, in order to express their desired actions as credible and gain the support of a larger support group, needed to make the action more legitimate.

The Depayin incident in 2003 was the next major credibility downfall for ASEAN and Burma. International criticism of Burma was sparked by the junta's decision to return Aung San Suu Kyi to house arrest, followed by the failure of the regime to respond to the international demands for her release.²⁷³ The European Union and the United States both increased economic sanctions and issued travel and visa restrictions for Burmese officials.²⁷⁴ ASEAN leaders realized the negative credibility that the incident placed on the organization, and therefore on themselves. On many occasions following the Depayin incident leaders of many member states publicly condemned Burma, but through the “we” voice of ASEAN, instead of unilaterally as a public leader of a specific country. The use of the “we” voice in these statements, violated ASEAN's terms of non-interference and quiet diplomacy.

At the annual meeting of foreign ministers in Phnom Penh in June 2003, ASEAN ministers issued a joint statement for the immediate release of Aung San Suu Kyi. This was the first time that the organization took a collective position against a member, and the first time that the organization took a collective stance against a regional neighbor since Vietnam invaded

²⁷³ McCarthy, 919.

²⁷⁴ Ibid.

Cambodia.²⁷⁵ By using ASEAN as the mediator between Burma and the rest, the leaders were able to justify their actions and statements as more credible in two ways. First, by using ASEAN as the messenger, instead of an individual country, Burma felt increasing pressure to comply since ASEAN was its key to international recognition. Secondly, using ASEAN allowed ASEAN to uphold its credibility and sovereignty against pressures from the more powerful international actors concerned with Burma.

A second example of ASEAN being used by an actor to address concerns within Burma was at the Asia-Europe Meeting (ASEM) of foreign ministers in July 2003. At this meeting, Thailand's foreign minister, Surakiart Sathirathai, introduced the idea of a road map for Burma that would bring about national reconciliation and democratic reforms within a three year period.²⁷⁶ Surakiart Sathirathai and other ASEAN ministers were concerned about the legitimacy and credibility problems ASEAN could face when Burma took over the ASEAN Chair as scheduled in 2006. The proposed roadmap by the Thai foreign minister included five steps: the release of Aung San Suu Kyi and other opposition leaders and the reopening of NLD headquarters, the release of all political detainees and an investigation into the Depayin incident, the drafting and adoption of a new Constitution, a successful transitional period prior to elections, which would result in all sanctions being lifted, and finally the holding of national elections overseen by international monitors.²⁷⁷

Surakiart Sathirathai met with U Win Aung, the Burmese foreign minister, and discussed the need for Burma to create its own roadmap to democracy. The pressure of ASEAN on Burma was successful enough, as Burma introduced its new seven-point roadmap for “disciplined

²⁷⁵ McCarthy, 919.

²⁷⁶ *Ibid.*, 921.

²⁷⁷ *Ibid.*

democracy” only one month later.²⁷⁸ Jürgen Haacke, a political science scholar of ASEAN and Burmese foreign policy, argues that there are two major factors that contribute to a tense relationship between ASEAN and Burma. First, there is increasing international pressure on the association and its individual members to initiate change within Burma. By allowing Burma membership in the organization, the leading actors of the international community are holding ASEAN and its members now accountable for the lack of democracy and respect for human rights within Burma. Second, many governments within Southeast Asia view the situation in Burma as a credibility issue to the organization, and therefore to themselves, as most of the member states are not competitive on a global scale without the umbrella of the organization.²⁷⁹ The discussion of the need for a roadmap to democracy, and Burma's compliance with the introduction of its own remodeled roadmap, display the influence ASEAN leaders have in the democratization of Burma. Through the voice of ASEAN, member states made it clear that Burma needed to embark on a liberalization path leading into the year it would chair the organization. Without this action, ASEAN ministers realized the credibility that Burma chairing the organization would cost them, as well as the organization as a whole. Burma's compliance with the demand for a roadmap to democracy in 2003 shows that the use of ASEAN as an institution provides more leverage over the liberalization than any unilateral action by one actor.

In November 2004, Malaysia, Thailand, Singapore, Indonesia, Cambodia, and the Philippines convened and founded AIPMC, the ASEAN Inter-Parliamentary Myanmar Caucus, in each of their states. This unified each of the six national parliamentary caucuses on the issue of Burma as it pertained to each individual nation and ASEAN as a whole. The goal of this new

²⁷⁸ McCarthy, 921.

²⁷⁹ Haacke (2011): 191.

caucus was to “promote liberal-interventionist policies towards Myanmar.”²⁸⁰ The creation of AIPMC is another example of ASEAN being used as an umbrella by individual actors to strengthen and legitimate their opinions on Burma, stressing the importance of institutions in bringing about change. Although the caucuses were independent national entities, created individually by the states previously listed, the caucuses were joined under the umbrella of ASEAN by linking them all to ASEAN's name and utilizing the “we” voice.

AIPMC in these six states met from 2004 to 2005. It is arguably the actions and statements issued by these caucuses that pressured Burma to relinquish the 2006 ASEAN Chair in 2005.²⁸¹ Each of these states, whether because of its own national democratic and liberal human rights views or because of legitimacy problems their own countries were facing in light of Burma, individually placed criticism on the Burmese junta. These criticisms violated ASEAN's principle of non-interference because the network of national parliamentary caucuses has come under an umbrella caucus, AIPMC, pertaining to ASEAN as an organization.

Although the United States and European Union have placed strict economic sanctions on Burma, Burma has been able to rely on regional neighbors for economic support and business. Singapore is one such country that has financial investments in Burma. Following the Cold War, Singaporean businesses began investing in and trading with Burma, while encouraging gradual change in the country. Due to Singapore's highly oligarchic regime, which shows more interest in economic gains than liberal legislation, Singapore was not interested in nor qualified to push for significant liberal reform in Burma prior to the Depayin incident in 2003.²⁸² By 2003 Singapore was facing threats of U.S. economic sanctions because of its relationship with the junta.

²⁸⁰ Lee Jones, “Democratization and foreign policy in Southeast Asia: the case of the ASEAN Inter-Parliamentary Myanmar Caucus,” *Cambridge Review of International Affairs* 22, no. 3 (2009): 391.

²⁸¹ Jones, “Democratization and foreign policy in Southeast Asia,” 391.

²⁸² Jones, “Democratization and foreign policy in Southeast Asia,” 392.

Singapore saw this as a threat to its ability to compete in world financial markets. Singapore was also pushed to criticize the junta because the events around 2003 severely threatened the corporate image of ASEAN in which Singapore has a significant stake.²⁸³

Indonesian legislators have the strongest AIPMC of the six member states largely due to their stance on democracy and liberal reform within Indonesia, as well as ASEAN. The 2004 democratic elections in Indonesia resulted in a significant handover of power, with seventy-three percent new membership in parliament. Many of these new politicians were invested in the promotion of democracy and human rights in the region.²⁸⁴ They sought to achieve this through asserting significant influence over ASEAN as a political organization and used the issue of Burma as its basis for arguing for this agenda.²⁸⁵ AIPMC in Indonesia has issued statements, which have invited exiled Burmese MPs for hearings, blocked the acceptance of Burma's ambassador to Jakarta and delayed sending an ambassador from Indonesia to Burma from 2006 until at least 2014, the year Burma is now due to take over the chair. Indonesia's AIPMC was also able to pass a resolution against Burma chairing ASEAN, exemplifying Indonesia's concern for ASEAN's image and its relations with the democratic Western world.²⁸⁶

The lack of economic investments in Burma has allowed for liberal legislators in the Philippines to have the political space necessary to critique the domestic affairs of Burma. Domestically, AIPMC in the Philippines was able to unanimously pass a non-binding Senate Resolution in 2005 that called for the release of Aung San Suu Kyi and stated that Burma should only accept the ASEAN Chair if it displayed significant democratic progress. On an international level, AIPMC in the Philippines passed a resolution which called on foreign legislatures to create

²⁸³ Ibid.

²⁸⁴ Ibid., 398-399.

²⁸⁵ Ibid.

²⁸⁶ Ibid., 399.

their own caucuses in order to press sanctions against Burma.²⁸⁷

Although there are six ASEAN member states which have founded an AIPMC, only three have been able to successfully criticize or pass legislation against the regime in Burma. Cambodia, Malaysia, and Thailand have not been as successful with AIMPC. This does not mean that these countries have been unsuccessful in criticizing the regime in Burma or addressing the international concern for ASEAN's legitimacy, however. Thailand has been an important advocate for intervention in the domestic affairs of the country, just not through legislation with the ASEAN Inter-Parliamentary Myanmar Caucus. The fact, however, that all six countries involved themselves in an ASEAN Inter-Parliamentary Caucus against Burma shows that these countries addressed some level of concern over how Burma affected the image of ASEAN. The creation of this inter-parliamentary caucus under ASEAN's name breaches the policies of quiet diplomacy and non-interference from an organizational standpoint. Although ASEAN had agreed that "enhanced interaction" allowed for member states to individually comment on the domestic affairs of Burma, the idea of AIPMC breaches this policy, as the individual national parliamentary caucuses are speaking on behalf of an ASEAN caucus.

As a member of ASEAN, Burma is eligible for the chair of the organization based on a rotational system between all member countries. Burma was scheduled to chair the organization in 2006. Although ASEAN could not formally forbid Burma from taking the chair, the leaders of the association were able to apply enough pressure on the Burmese government to make Burma withdraw its request in 2005. Both the EU and US threatened ASEAN that they would not attend any meetings hosted by Burma or provide any funding for development projects within ASEAN

²⁸⁷ Jones, "Democratization and foreign policy in Southeast Asia," 401.

countries if Burma chaired the organization.²⁸⁸ ASEAN pressured Burma to step down from the position with the argument that it needed to concentrate on its roadmap to democracy. After announcing its resignation, Burma moved the capital from Rangoon to Naypyidaw overnight, a location further from the coast, where student and activist groups were minimal.²⁸⁹ Burma's decision to relinquish its turn to the ASEAN Chair in 2006 was a combination of pressure from external actors and issues of legitimacy. Of particular importance was Western pressure on ASEAN, liberal and democratic changes in the policies of other member states, and institutional changes occurring within ASEAN, as members realized the need to transform ASEAN in line with new global trends.²⁹⁰ It officially forfeited its turn in July 2005, months before it would have taken over the position. In forfeiting its turn to chair the organization, Burma was faced with the difficulty of losing legitimacy. Both Burma and ASEAN as a whole were losing credibility in 2005, with the idea of the junta chairing the organization, and ASEAN's overall liberal changes were reflected, in pressuring Burma to relinquish its turn to the chair.

Since admitting Burma to the organization in 1997, ASEAN has increasingly faced international pressure and declining legitimacy from its major Western dialogue partners. These dialogue partners, particularly the European Union and the United States, feel that ASEAN needs to be more involved in the monitoring and reform process of Burma's domestic affairs. As a growing region and regional organization, Southeast Asia and ASEAN need the legitimacy from major Western countries and organizations to be considered credible and competitive on a global scale. After the Depayin incident and leading up to Burma's takeover of the ASEAN Chair, the United States and European Union threatened to boycott any ASEAN meeting chaired by

²⁸⁸ Fink, 255.

²⁸⁹ Ibid., 97-98.

²⁹⁰ McCarthy, 911.

Burma.²⁹¹ These threats placed ASEAN leaders in an uncomfortable position between maintaining the credibility of the organization and upholding the traditional policy of non-interference.

Less than one month after Burma announced its decision to relinquish its turn to chair ASEAN, Seri Abdullah Ahmad Badawi, the current chair of the organization and the prime minister of Malaysia, spoke on behalf of ASEAN on the importance of expediting democratic reforms in Burma and the release of those still detained. Seri Abdullah Ahmad Badawi titled his statement, “One Vision, One Identity, One Community,”²⁹² implying that ASEAN was one community, with one unifying identity that had one vision about its policies and development. Point 34 of his statement concerns Burma's domestic affairs and the implications they have for ASEAN:

We noted the increased interest of the international community on developments in Myanmar. In this context, we took note of the briefing by Myanmar on the latest developments in the implementation of its roadmap to democracy. We encouraged Myanmar to expedite the process and welcomed the invitation by Myanmar to the Foreign Minister of Malaysia in his capacity as Chairman of the ASEAN standing committee to visit Myanmar to learn first-hand of the process. We also called for the release of those placed under detention.²⁹³

The use of “we” in his statement implies that the criticism is coming from ASEAN as a whole, and not an individual member state. Through the use of “we,” he states that ASEAN encouraged Burma to speed up its democratic reform after recognizing the increasing interest of the international community on the affairs of Burma. This implies that not only do the member states feel their legitimacy threatened by Burma's affairs, but they realize that ASEAN, as a developing

²⁹¹ McCarthy, 911.

²⁹² “Chairman’s statement of the 11th ASEAN Summit “One Vision, One Identity, One Community”.” (2005).

²⁹³ Ibid.

international association, is at risk of losing its credibility. His use of “we” is also implying to other international actors that ASEAN as a whole is taking a stance against Burma and making itself accountable for the progress within Burma.

Burma’s foreign minister at the time, U Nyan Win, gave the formal resignation at the ASEAN Foreign Ministers meeting in Vientiane in July 2005. U Nyan Win presented the excuse that Burma wanted to “focus its attention on national reconciliation and democratization” without the added responsibilities of chairing the organization.²⁹⁴ In giving up its chance to chair the organization as scheduled in 2006, Burma became more aware of the burdens of being a part of an international association that needed to be responsive to outside, international pressures. Burma's realization that it needed to conform to certain international standards, in order to obtain the legitimacy it needed to gain recognition as a respected member of ASEAN, became clear in the years following 2005.

Only one major anti-government action took place while the junta ruled Burma from 1988 until 2010: the Saffron Rebellion protests of 2007. The protests began in September 2007 after the government introduced a drastic price increase for natural gas and diesel, causing food and transportation prices to rise significantly. Small protests began with former students of the 1988 protests, but the majority of the protests were peaceful marches by Buddhist monks.²⁹⁵ The regime responded by shooting and beating some of the monks and lay people protesting. The response to the protests drew high levels of international attention and criticism.²⁹⁶ Prior to these events in January, ASEAN leaders responded to UN Security Council discussions and a vote on a draft resolution for Burma by agreeing that maintaining ASEAN's credibility as an

²⁹⁴ McCarthy, 932-934.

²⁹⁵ Fink, 102-103.

²⁹⁶ Ibid., 103.

effective regional organization was of utmost importance.²⁹⁷ At the 12th ASEAN Summit in Cebu, Philippines in January 2007, President Gloria Macapagal-Arroyo addressed in her Chairperson's Statement, "One Caring and Sharing Community," an agreement "on the need to preserve ASEAN's credibility as an effective regional organization by demonstrating a capacity to manage important issues within the region."²⁹⁸

ASEAN's role as an institution was apparent in the aftermath of Cyclone Nargis that devastated the delta region of Burma on May 3, 2008. The role of ASEAN in the situation was vital because the military junta refused and obstructed relief and assistance from foreign donors and observers in the wake of the devastation. A collective response from ASEAN came two days following the cyclone, calling all member states to provide relief assistance for those in need within Burma.²⁹⁹ On May 8th, the Secretary-General, Surin Pitsuwan, initiated the launching of an "ASEAN Cooperation Fund" in order to raise money for relief resources.³⁰⁰ On May 9, 2008, Surin Pitsuwan urged Nyan Win, Burma's Foreign Minister, to allow an ASEAN relief mission to enter the country to provide immediate assistance. He made it clear that this ASEAN team would be solely for providing relief and rescuing those in need and would not carry out any assessment report on the situation. Despite this, the junta still refused assistance on the basis that it was suspicious of any foreign invasion of its borders. Eventually a "less intrusive ASEAN Emergency Rapid Assessment Team" was allowed to enter Rangoon to write a quick assessment of the situation. It was clear that the junta was able to manipulate what the small group had seen and could write about, based on positive inclinations about the regime and concerns regarding future

²⁹⁷ Haacke (2010), 166.

²⁹⁸ "Chairperson's statement of the 12th ASEAN Summit "One Caring and Sharing Community"," (2007).

²⁹⁹ Emmerson, 43.

³⁰⁰ Ibid.

foreign relief intervention.³⁰¹

ASEAN leaders met on May 19th in Singapore to discuss future measures they were to take with regards to the humanitarian crisis in Burma. They agreed to set up an ASEAN-led coordination mechanism that would act as an intermediary in facilitating international aid and the deployment of aid workers, establish a task force under the Secretary-General to pursue relief coordination, and to work with the United Nations for an aid and relief conference in Burma for other international donors.³⁰² The success of ASEAN came on June 4th with the successful delivery of thousands of tons of relief supply into Rangoon by the TCG (ASEAN-Myanmar-UN Tripartite Core Group).³⁰³ Five days later, on June 9th, full-scale TCG teams were sent to Yangon to begin a damage assessment and relief work. The assessment teams were officially sent off by Kyaw Thu, the deputy foreign minister of Burma, who was also the chair of the TCG.³⁰⁴

Although one might point to the fact that it took ASEAN a month to successfully allow Burma to agree to international relief intervention, ASEAN's handling of the situation displayed the power and legitimacy that ASEAN holds in the eyes of Burma, especially in comparison to the US, EU, and UN as 'Western' powers. Individual actors or other institutions, such as the United Nations, were unable to unilaterally or bilaterally intervene in Burma to provide disaster relief and humanitarian assistance. Only by working through ASEAN as an institution were these actors able to provide the necessary aid and relief to the affected areas. As an institution, ASEAN attempted to respect the values of state sovereignty valued by most ASEAN member states, and the growing norm for individual sovereignty, or human security, valued by the more Western, democratic world. ASEAN leaders worked together to create a space where the Burmese military

³⁰¹ Emerson., 44.

³⁰² Ibid.

³⁰³ Ibid., 45.

³⁰⁴ Ibid., 43.

leaders were comfortable in engaging and working with the organization. This created a situation where Burma was willing to work with ASEAN on mechanisms for relief and aid, and not a situation where aid and relief were being dispatched against the will of the junta. Although recognizing the need to protect the growing norm of human security, ASEAN leaders realized that Burma's trust in the organization was dependent on upholding the ASEAN principles of non-interference.³⁰⁵ ASEAN, as an intermediary agent, was able to create a bridge between all the actors, maintaining the Burmese regime's trust in the institution, while allowing for international donors to provide assistance and relief packages.

Recalling the seven-point roadmap to “disciplined democracy” that Khin Nyunt had adopted for the country, in response to the suggested roadmap by the Thai foreign minister at the ASEM meeting in 2003, step four called for “adoption of the draft constitution through a national referendum.”³⁰⁶ In the wake of the 2007 protests, the junta had announced the completion of the National Convention on the new constitution. In February 2008, the junta declared that a referendum for the constitution would be held on May 10, 2008, and a date had been scheduled for an election in 2010.³⁰⁷ The date for the election was also set for November 7, 2010.³⁰⁸ The junta refused to push back the date, except in the most affected areas of the delta, in the wake of Cyclone Nargis. The junta refused to allow international monitors into the country to observe the referendum and proclaimed that the constitution had been approved by 92 percent of the voting population in both the inland areas and the delta two weeks later.³⁰⁹ The lack of international monitoring and transparency in the referendum, as well as numerous reports of manipulation,

³⁰⁵ Emmerson, 43.

³⁰⁶ McCarthy, 921.

³⁰⁷ Ibid., 930.

³⁰⁸ Sophie Boisseau du Rocher, “The European Union, Burma/Myanmar and ASEAN : A challenge to European norms and values or a new opportunity ?” *Asia Europe Journal* 10, no. 2-3 (2012): 175.

³⁰⁹ Emmerson, 40-41.

caused the referendum to be seen as illegitimate by the international public.

During the time period between the national referendum on the constitution and the 2010 elections, Burma managed to spark new levels of international criticism and problems for ASEAN. In May 2009, one month before she was to be released, the junta pressed charges against Daw Aung San Suu Kyi, arguing that she had violated the terms of her house arrest. Thailand, as the ASEAN chair, issued a statement on behalf of ASEAN, calling for her release and the protection of her rights.

Thailand, as the ASEAN Chair, expresses grave concern about recent developments relating to Daw Aung San Suu Kyi, given her fragile health. In this connection, the Government of the Union of Myanmar is reminded that the ASEAN Leaders had called for the immediate release of Daw Aung San Suu Kyi. Furthermore, the Government of the Union of Myanmar, as a responsible member of ASEAN, has the responsibility to protect and promote human rights. It is therefore called upon to provide timely and adequate medical care to Daw Aung San Suu Kyi as well as to accord her humane treatment with dignity. With the eyes of the international community on Myanmar at present, the honour and the credibility of the Government of the Union of Myanmar are at stake. Thailand, as the ASEAN Chair, reaffirms ASEAN's readiness to contribute constructively to the national reconciliation process and the peaceful transition of democracy in Myanmar.³¹⁰

The statement, although issued by Thailand, was done on behalf of ASEAN. The role and use of ASEAN in international pressure is evident in this example. Although the statement is coming from Thailand, it is evident from the first few words that the Thai representative is speaking on behalf of the entire ASEAN community as chair. The statement emphasizes that the demand for the immediate release of Aung San Suu Kyi is coming from the "ASEAN Leaders." The statement reminds Burma of its membership in the association, and emphasizes the responsibility

³¹⁰ "ASEAN Chairman's statement on Myanmar," Ministry of Foreign Affairs of Thailand, (2009).

Burma has to the organization, particularly to the need to respect and promote human rights. This statement comes within a year of all ASEAN member states signing and ratifying the new ASEAN Charter, a document that paves the way for a legal framework to ASEAN and states that all ASEAN member states must promote the respect for human rights and democratization within ASEAN. The Chairman's statement also reminds Burma that continued oppression of human rights will further delegitimize the regime in the eyes of the international community. The last statement begins with "Thailand" again, emphasizing that the statement is coming from Thailand as an actor, but then reemphasizes that Thailand, as the Chair, is speaking on behalf of all of ASEAN. The Thai Chairman's statement reminds Burma, that ASEAN will take action in the democratic transition and national reconciliation of Burma if necessary.

In July 2009, ASEAN leaders issued a collective stance on Burma at the 42nd Ministerial Meeting in Phuket, Thailand. The use of "we" was prevalent in almost every statement, implying that ASEAN as a whole was issuing the statements. With regards to Burma, the ASEAN leaders of member states "collectively called" for the immediate release of detainees, especially Aung San Suu Kyi, which would "pave the way" for the dialogue necessary to allow all parties to partake in the 2010 national elections.³¹¹ In response to Burma's expression that the sanctions imposed by the EU and the US were hampering development, in light of new improvements, ASEAN states that it would remain constructively engaged with Burma as a part of the ASEAN community building process.³¹²

The start of a new presidency in the United States in 2009 also saw changes in US foreign policy towards Burma. During the Clinton and Bush administrations, US foreign policy sought

³¹¹ "Joint Communique of the 42nd ASEAN Ministerial Meeting "Acting Together to Cope with Global Challenges", (2009).

³¹² Ibid.

to isolate Burma, particularly through the use of economic and diplomatic sanctions, in hopes of pressuring it enough to bring about change. This has also been the stance of the European Union's foreign policy on Burma. Burma has also never been a “top of the agenda” concern for the United States, as well as the European Union, because of more pressing concerns regarding the Middle East and North Korea. President George W. Bush did not list Burma as a part of the “axis of evil.”³¹³ One reason may be that the United States, as well as the European Union, feels that they can address their concerns and apply pressure through ASEAN, as an institution representing Burma, and a third party between the two actors, instead of engaging unilaterally with Burma, as they must with the “axis of evil” countries. Unlike Burma, Iraq, Iran and North Korea are not represented by a regional institution, like ASEAN, that engages politically on an international level. Thus, ASEAN has always remained the important agent for actors to use when engaging with Burma, providing ASEAN with a stamp of authority, legitimacy, and sovereignty over Burma.

In 2009, however, President Obama adopted a “dual-track policy” towards Burma, a move that can be seen as more in line with ASEAN’s desire to constructively engage with Burma to initiate democratic progress. Obama called for the need to maintain US sanctions on the country while simultaneously engaging with the Burmese regime through dialogue with senior- level representatives.³¹⁴ Obama believed that this new policy would allow the political space for trust building between the two countries. The idea was that progress would lead to further bilateral relations. I, however, do not believe that the change in foreign policy towards Burma was very influential in bringing about the democratic transition in Burma. By the time that the United States decided to act unilaterally toward Burma, without ASEAN as a third party mediator,

³¹³ George W. Bush, “The President’s State of the Union Address,” The United States Capitol, (2002).

³¹⁴ Kipgen Nehginpao, “US-Burma ties: from isolation to engagement,” *The Korea Times*, (2012).

Burma had already made strides towards democratization. The first major instance of US unilateral political engagement with Burma was Hillary Clinton's visit to Burma in December 2011. Although a change in US policy may prove to be important in the consolidation of democracy, this visit came after the transition of power to Thein Sein as the new president of Burma.

The national election on November 7, 2010, although not free and fair by international standards due to the exclusion of certain parties, much fraud and irregularities and reported low voter turnout, was a successful contribution towards democracy in Burma, argued ASEAN.³¹⁵ With the election also came the release of Aung San Suu Kyi from the house arrest she had endured since the Depayin incident in 2003. The transfer of power to the new president, U Thein Sein, prime minister under the former military regime, occurred successfully on March 30, 2011.³¹⁶ ASEAN leaders responded to the election and transition of power through positive remarks regarding Burma's progress in the seven-step roadmap to democracy. ASEAN ministers called on the US and EU to remove their sanctions in response to Burma's successful progress in democratization.³¹⁷ Neither actor completely removed the sanctions, although both actors lightened sanctions or began to engage more personally with Burma after 2011.

At the 18th ASEAN Summit in Jakarta, Indonesia, the chair's statement states that Burma has requested to chair the organization in 2014 and that the leaders of ASEAN are considering the request, based on the liberal progress made in the 2010 elections and formation of a new parliament.³¹⁸ ASEAN decided that it would not make a final decision regarding Burma's request

³¹⁵ Turnell, 150-151.

³¹⁶ Hlaing, 197.

³¹⁷ Boisseau du Rocher, 175.

³¹⁸ "ASEAN Community in a Global Community of Nations," Chair's Statement of the 18th ASEAN Summit in Indonesia, Jakarta, (May 2011).

until the Indonesian foreign minister, Marty Natalegawa, representing Indonesia as the current chair of ASEAN, had carried out an assessment of the political developments inside of Burma.³¹⁹

Although the trip was delayed, it was carried out in late October 2011, and Burma was granted the right to the 2014 Chair during the 19th ASEAN Summit in Bali on November 17, 2011.³²⁰ The leaders of ASEAN agreed that Burma had shown significant progress in democratic reform since the 2010 election, and that allowing the country to chair the organization was in line with ASEAN's desire to encourage momentum in this progressive direction.³²¹ ASEAN leaders agreed that a 'behaving Burma' within ASEAN would only strengthen ASEAN's legitimacy and credibility as an international institution, and therefore hoped that they would be encouraging further reform within Burma by rewarding progress.³²²

The ASEAN Chair, the Answer?

Burma's request for the 2014 ASEAN Chair weeks after the 2010 election is an indication of Burma's understanding of the importance of its democratization. The ASEAN chair rotates between all ten member states on a ten year cycle in alphabetical order by the English language.³²³ Burma, having given up its opportunity to chair the organization in 2006 was due to chair the organization in 2016.³²⁴ Instead of waiting for its turn in 2016, it expressed its desire to chair the organization in 2014 in place of Laos, only two years before its scheduled opportunity. It is puzzling as to why Burma was so eager to chair the organization before its scheduled year only two years away. The key answer to this puzzle is the need for international legitimacy and

³¹⁹ Saw Yan Naing, "Indonesia FM postpones trip to Burma," *The Irrawaddy*, (2013).

³²⁰ "ASEAN Community in a Global Community of Nations," (November 2011).

³²¹ Ibid.

³²² See Seng Tan, "Herding cats: the role of persuasion in political change and continuity in the Association of Southeast Asian Nations (ASEAN)," *International Relations of the Asia-Pacific* 13, no. 2 (2013): 255.

³²³ "ASEAN Chair," Association of Southeast Asian Nations, accessed February 2014.

³²⁴ Tan, 255.

recognition.

As I have already argued, ASEAN has suffered a decline in international legitimacy since admitting Burma due to political occurrences within the country. Burma has fought a losing battle for international legitimacy through its oppressive military regime, suppression of democratic movements, isolation from the outside world, and less-than-desired human rights record. Legitimacy issues began in the early 1990s as sovereignty became more layered with the rise of institutions, particularly institutions revolving around the norms of international law, human rights, and democracy. Prior to the acceleration of this new global trend, in a world of newly independent states, Westphalian sovereignty was “the only game in town,” as a state could only be recognized as a state if it had a central government within an internationally determined set of boundaries. The rise of institutions through the need to facilitate international cooperation, trust, information and order in the international system moved the idea of Westphalian sovereignty from being the only game in town to being a necessary, but not sufficient, aspect to the game, to be a legitimate actor in a globalizing international system. State sovereignty became layered with interdependence, domestic, and international legal sovereignty. Sovereignty, as an institution, became further distributed among institutions, states, and individuals, as state sovereignty and the respect for a state’s sovereignty became conditional on following the changing rules and norms governing the system of states. In order for a state to exercise its full right to sovereignty, it must conform to the trend, set by the powerful, democratic states of the Western world. Institutions also exercise this type of sovereignty, as they exercise authority over members. In order to exercise their sovereignty, institutions must also conform to the norms and ideals of the liberalizing system. ASEAN’s sovereignty, or legitimacy, is in decline because of its resistance, or the resistance of particular member states, to liberalize with the system.

Before the creation of ASEAN, the to-be-member-states had only recently acquired Westphalian sovereignty. The organization was established in order to protect the Westphalian sovereignty of the newly independent countries. As sovereignty became layered through the rise of institutions, these member states were able to obtain international legal sovereignty, as they began to engage with larger international actors and institutions, particularly through ASEAN. ASEAN, in a sense, created a layer of sovereignty over its individual member states as it became the international representative of the countries on the international scale. This also meant that ASEAN, in the eyes of more influential international actors and institutions, had a level of accountability over its individual members. As the global trend moved in the direction of a world driven by institutions, conforming to the democratic and liberal ideas of Western powers, ASEAN was faced with the difficulty of being pressured to adapt to the global trend, or risk losing importance in the global arena. Although the individual member states have tried to fight the global trend by fighting for the principles of the ASEAN Way, the consistent struggle to maintain legitimacy, in addition to the liberalizing policies of some member states, notably Indonesia and the Philippines, has caused ASEAN to slowly conform to the legitimizing international norms of institutions.

One of the main reasons why Burmese leaders sought membership in the organization was to obtain the level of legitimacy that the other Southeast Asian states were achieving in part through the organization. The Burmese regime realized that remaining isolated was threatening to its sovereignty, as well as making it harder to survive in a globalizing world. For the regime, membership in ASEAN would mean that Burma would not only be recognized by the other Southeast Asian member states, as ASEAN was becoming representative of the entire region, but it would also gain recognition from ASEAN's dialogue and economic partners, or so it

hoped. Following the admittance of Burma, ASEAN leaders realized that the reputation of the organization was stuck in limbo between wanting to represent the entire Southeast Asian region, diversity and all through its “ASEAN-Way” diplomacy, while not losing the recognition it had built up with the rest of the international community. Over time, ASEAN leaders realized that they were going to have to compromise, acting out of self-interest by adopting some of the norms and ideals desired by larger international actors, in order to save the reputation of the organization, which was vital to their own reputation and credibility. The leaders of the association began to use ASEAN to engage with Burma, upholding as many traditional principles as possible while also acting and conforming to the interests and pressure of the international community. The liberal changes of ASEAN member states and the strengthening of ASEAN as an institution became further legitimized as certain members became more democratic, identifying with the international norms of democracy and human security.

Although the process was slow and interrupted by periods of backward regression and major human rights violations, Burma realized that ASEAN was the answer to gaining legitimacy, as ASEAN, as an institution, was the only actor of significant importance to Burma that was actively engaging with the country. The United States and the European Union were both isolating the country through sanctions, creating no space for relationship building between actors. The importance of ASEAN to Burma, as well as proof that ASEAN was able to develop a relationship with Burma was particularly evident in the aftermath of the cyclone that devastated the delta region of the country. This displayed the trust that Burma had in the association, as well as the ability of ‘ASEAN’s image’ to produce change within Burma. However, it became evident to the regime that membership in the organization was not sufficient to obtain the necessary legitimacy it desired. In order to obtain full international legitimacy, the leaders of Burma, on

behalf of Burma, first needed to prove to the other member states that Burma was a worthy member of the organization before being viewed as a credible actor by the international community. It became evident, after ASEAN leaders were able to pressure Burma to relinquish its turn to the chair in 2006, that the credibility of the institution on an international level was of vital importance to the other member states, and that Burma was going to have to successfully show that it could chair the organization before gaining further legitimacy as an ASEAN member. This is why the ASEAN Chair was so important, in the eyes of the regime, for Burma's recognition.

Why didn't Burma wait until its turn in 2016? I argue that there are two potential reasons: the regime believed that ASEAN's stamp of approval by allowing Burma to chair the organization sooner would display that Burma was legitimate in the eyes of the other ASEAN member states, and second the legitimacy would be vital going into the next national elections set for 2015. By waiting for 2016 and taking over the chair as scheduled, Burma wasn't gaining as strong a stamp of approval, since the international community already had some indication or expectation that Burma was to chair the organization in this year, a rite of passage as a member state. Obtaining ASEAN's approval to the chair, Burma hoped to show the international community that it was “joining in the game” and wanted to be a valued player. By successfully chairing ASEAN, Burma would host and lead all summit meetings and conferences between ASEAN ministers and between ASEAN and its international dialogue partners. This opportunity would provide Burma with the recognition and credibility that it needed to remain a legitimate state actor in today's world.

The transfer of power to a “democratic” government in Burma in 2010-2011 is a classic example of a “top-down” approach to democratization, common among authoritarian and military governments in liberalizing countries, as I have already argued in Part II of this paper. The desire

to obtain legitimacy as a respected sovereign state really indicated that the military leaders of the country wanted to legitimate their right to rule. Following the 1999 election in Indonesia, a government was established based on the 1945 Constitution where twenty-five percent of all seats were reserved for the military, comparable to the current Burmese parliament. By the time of the next national election in 2004, the constitution had undergone significant democratic amendments and no longer was any part of the executive or legislative branch reserved for military members.³²⁵ The approved 2008 Constitution in Burma would legally allow the military to maintain ultimate power over governmental affairs. Therefore, even after the election and transfer of power in 2011, the government remained dominated by the military, covered by a democratic mask. The legitimacy obtained through chairing ASEAN in 2014 would in turn bring legitimacy to the military rulers. Waiting until 2016 would mean that the new government elected in 2015 would carry out Burma's responsibilities as ASEAN chair. The military could experience a significant decline in power if it continues to undergo democratic change leading into the 2015 election. Chairing the organization in 2014 would mean that the current military leaders would be the ones in the spotlight.

Remarks on the years between 2011 and 2014 and Burma's first few months as chair

To the surprise of the international community, the years following the transfer of power to U Thein Sein have seen many more democratic reforms than expected. The details to these reforms have been previously addressed in detail in Part II. What is significant, are the international responses to reforms in the time between ASEAN's announcement that Burma would chair the organization in 2014 and the day Burma accepted the chair. Not even a month after ASEAN announced its decision to allow Burma to chair ASEAN in 2014, U.S. Secretary of State, Hillary Clinton, visited Aung San Suu Kyi and Burmese officials in Burma in December

³²⁵ Liddle & Mujani, 29.

2011. This marked the beginning of eased diplomatic sanctions from Western countries.³²⁶ At an ASEAN meeting in February 2012 before the 2012 by-election in Burma took place, Secretary-General Surin Pitsuwan encouraged Burma to consider allowing ASEAN observers to attend the by-election. “On 20 March, the Myanmar government invited the ASEAN Secretariat, ASEAN Member States, as well as the European Union and the United States to send observation teams to witness the by-elections on 1 April 2012.”³²⁷ Not only did Burma acknowledge the request made by Surin Pitsuwan on behalf of ASEAN, but it extended the offer to the international community.³²⁸ This can be seen in line with Burma's desire to obtain legitimacy within ASEAN as well as among the strong international actors, particularly the United States and the European Union. Whether or not because of the international observers, the elections were fairly transparent, free and fair, allowing nearly all political parties to participate, notably the NLD, and peacefully transferring power to the new representatives, including Aung San Suu Kyi. In November after the 2012 by-elections, President Obama made a personal visit to the Burma. In 2012 the United States under President Obama also restored full diplomatic relations and re-established a USAID (United States Agency for International Development) mission in Burma.³²⁹

Although Burma's term as ASEAN Chair did not officially begin until January 1, 2014, the “ceremonial handover” of the chair from Brunei to Burma occurred in October 2013. In U Thein Sein's speech at the 23rd ASEAN Summit on October 9, 2013 in Brunei, U Thein Sein addressed the strengthening of an ASEAN community for the future, as well as Burma's role in ASEAN in light of accepting the chair. He acknowledged that “reforms are incomplete and that

³²⁶ Nehginpao, “US-Burma ties: from isolation to engagement.”

³²⁷ “Election observers from ASEAN and partner states, as well as media members arrive in Yangon – A diary of the ASEAN election observation mission to Myanmar.”

³²⁸ Ibid.

³²⁹ “U.S. bilateral relations fact sheet (Burma),” U.S. Department of State, (2013).

the country still faces many challenges.”³³⁰ However he emphasized that the support of the ASEAN member states and the ASEAN dialogue partners will only assist Burma in easing these challenges. In his vows to take over the chair, as the representative of the country, U Thein Sein acknowledges the importance that reform has had thus far in integrating Burma with the other ASEAN member states, as well as vowing that Burma will continue to work with the ASEAN member states towards the 2015 target goals for the desired ASEAN Community.³³¹

*In 2014, Burma is already scheduled to host 280 bloc meetings, which includes 2 major summits, the 24th ASEAN Summit and the 25th ASEAN Summit, which will occur in Burma in May and October respectively. The country has already successfully hosted an ASEAN Foreign Minister's Meeting from January 15-18, 2014 in Bagan, Burma. At the meeting, the ministers discussed the prospects for the ASEAN Community by 2015.*³³²

³³⁰ “President U Thein Sein attends 23rd ASEAN Summit in Brunei,” Chairmanship of ASEAN in 2014, Myanmar, News, (2013).

³³¹ Ibid.

³³² Shwe Aung, “Burma to chair 280 ASEAN meetings in 2014,” *Democratic Voice of Burma*, (2013).

CONCLUSION

The study of democratization in both international relations theory and comparative politics has become an increasingly popular and intriguing focus for research. In today's system of states, democracy is proving itself to be one of the most successful mechanisms of survival. Unlike the early to mid-1900s, when democracy flourished only to be challenged in a series of waves and reverse waves, democracy since the late 1990s has prospered and become legitimized as "the only game in town." Arguably, since the late 1990s, no reverse wave of democratization has occurred. The world is moving toward a system of states where democratic values are no longer only desired or suggested, but are seen as normative conditions for international recognition.

Although considered to be institutionalized in international law, the principles of democracy are not accepted by all states. Some states in the system deliberately challenge democracy. Many of these states, particularly those ruled by ideological extremists, personal dictators, or the military tend to be referred to as "rogue states." The question of how to produce or foster democratization in "rogue" countries is a leading question researched by students and professionals in this field.

The Burmese case presents new factors that should be examined in the democratization of future failed, weak, or rogue states. Democratization in Burma, fostered by actors through the use of ASEAN as an agent, raises the importance of regional organizations and institutions

in producing change. In my research, I concluded that it was not unilateral or bilateral pressure on Burma that produced liberalization, nor was it the result of Western sanctions or intervention. Instead, ASEAN, as the most important regional organization, was used by various actors, both member states and dialogue partners, to pressure Burma to liberalize. Using ASEAN proved to be more successful than bilateral or unilateral mechanisms because Burma desired to remain a member of ASEAN, hoping to gain international legitimacy through the organization.

In Part III, I present my argument through a chronology of ASEAN reactions to the domestic affairs of Burma, showing how the statements presented reflected a collective stance, or “we-ness” on the issue. Admitting Burma as a member during a time when human rights and democratic principles were becoming institutionalized as universal norms challenged the credibility of ASEAN with regards to major Western dialogue partners, and threatened ASEAN’s diplomacy of non-interference and quiet diplomacy. In response to the global liberal trend, ASEAN leaders were faced with a legitimacy crisis, choosing between upholding “ASEAN Way” diplomacy and remaining a respected organization in the international system. Further challenges to traditional diplomacy arose as individual member states in the region democratized or introduced significant liberal reforms. The comparative political scientist Samuel Huntington's independent variables, changes in the policies of external actors and deepening legitimacy problems of authoritarian states, plus the international relations concepts of sovereignty and legitimacy, were the variables in the equation that ultimately produced the beginning of a democratic transition in Burma.

Since the beginning of the Huntington’s Third Wave, democracy and individual freedoms have become top agenda concerns of many Western states. The policies of many actors are

conforming to this new global trend of liberal thought, institutionalizing the ideas as normative aspects of international law and state behavior. The Western democratic powers have embedded democratic and liberal aspects into the international institutions important to world order and cooperation. Not only is it seen appropriate and necessary to comply with the international standards of democracy and human rights, but it is also viewed as necessary to participate in and abide by the rules of the numerous international institutions.

When the idea of international institutions arose, membership was assumed to be voluntary. Joining an international institution meant giving up part of your state sovereignty for the greater good of the community within the institution. Benefits of membership, however, included recognition as part of the in-group and strengthened security and legitimacy. Institutions foster information dissemination among states and legitimize actions against or critiques of member states through the protection of multilateral action. Compliance with international institutions is becoming increasingly less voluntary as liberal values become more legitimized through international law. Non-member states are being pressured to comply with these standards, or risk becoming stigmatized by the international community. Burma had incentives for joining ASEAN because it believed that by joining an international institution it would gain credibility and legitimacy in the international system. The ASEAN Way diplomacy, however, appealed to Burma since it would allow the regime to participate in an international organization while maintaining its sovereign right to rule as it pleased.

As argued in this thesis, the major gain Burma saw in joining ASEAN, the need for legitimacy as a credible, competitive sovereign state, was the incentive that persuaded Burma to democratize. State sovereignty, especially international legal sovereignty, is becoming conditional and susceptible to the changing norms and trends of the international system. This form of

sovereignty claims that states are sovereign if they mutually recognize one another and view one another as equals, in terms of having the right to be a state, in the international arena. As more states democratize and join the system of institutions, international law becomes more legitimized and gains more strength as an institution itself. International institutions have adopted aspects of sovereignty, granting them the right to hold their member states accountable for their actions and intervene in the domestic affairs of a member state when deemed necessary. Institutions are now expected to uphold their sovereign rights and maintain order and security among member states. These expectations created a deepening legitimacy problem for both ASEAN, as an institution, and Burma, as a state.

ASEAN admitted Burma in order to encompass all of Southeast Asia, strengthening the credibility of ASEAN as a regional organization. ASEAN also saw admitting Burma as a way to decrease Burma's dependency on China, which in turn decreased Chinese influence and threat in the region as a whole. Burma, a country which for decades remained in isolation in an attempt to protect itself from outside influence, opened up by joining ASEAN. The Burmese regime acknowledged that it would be unable to survive in a world where mutual recognition was becoming the most important form of state sovereignty, increasing the need to engage with major dialogue partners and join the web of international institutions. However, ASEAN, as an organization, appealed to Burma because the diplomatic principles of ASEAN would allow Burma the right to its Westphalian sovereignty, or the right to manage its state affairs without the intervention of other states. Burma recognized the need for the legitimacy that it could obtain through becoming a player in the international arena in a system of institutions; however the regime wanted to legitimize its own right to rule, not succumb to the global trend of democratic rule. For this reason, the ASEAN values of non-interference and quiet diplomacy were vital to the

Burmese regime.

Unfortunately for the regime, the admittance of Burma caused ASEAN to be overwhelmed by an influx of international pressure and condemnation, threatening its credibility as an organization. Dialogue partners informed ASEAN leaders that the organization would be held responsible for the actions of Burma as a member state. ASEAN leaders were torn between upholding the ASEAN Way principles and remaining in good standing with major dialogue partners. As international criticism and pressure on the organization increased and ASEAN member states themselves underwent democratic reforms, ASEAN policies began to change. The leaders of ASEAN responded to international pressure by using the organization as their agent to apply pressure on and criticize the Burmese regime. The importance of ASEAN for Burma, particularly as a mechanism to gain international credibility, caused the regime reluctantly to liberalize. The regime recognized that the current global trend pointed towards democratization as the key to legitimacy in the system. The regime realized that democratizing would be the first condition for obtaining the legitimacy it desired.

The Burmese military was able to maintain a dictatorship over the country for 48 years, the longest military dictatorship in modern history. The perseverance of the military regime for so long despite economic and diplomatic sanctions and individual state criticism, demonstrates the ineffectiveness of unilateral and bilateral actions in this case. Becoming a member of ASEAN, opened up the opportunity to use the organization and pressure it to produce liberalization in the new member state. The unilateral actions of Western actors, mainly sanctions, proved incapable of producing democratization.

Recognizing their power and influence, as important dialogue partners, over ASEAN's credibility as an institution, Western democratic actors used ASEAN as an agent to express

their criticism of the regime, threatening the credibility of the organization and the legitimacy of the individual countries' role within it. This in turn caused the individual member states to also use ASEAN to hold Burma accountable to new international conditions behind international criticism. By using ASEAN as the mediator between Burma and the rest, the leaders of member states were able to justify their actions and statements as more credible in two ways. First, by using ASEAN as the messenger, instead of making unilateral efforts by individual countries, Burma felt increasing pressure to comply since ASEAN was its key to international legal sovereignty. Secondly, using ASEAN allowed the organization to uphold its credibility and sovereignty against pressures from the more powerful international actors concerned with Burma.

The chronology of ASEAN events and responses in Part III confirm the hypothesis that the use of ASEAN by individual actors was the ultimate producer of democratization in Burma. Individual leaders utilized the “we” voice in their statements condemning Burma, creating the image of an ASEAN collective stance against Burma. These stances were particularly evident following the Depayin incident and in light of Burma's decision to relinquish its turn to chair the association in 2006. The decision by the Burmese regime to give up its right to the chair in was in response to the international criticism of ASEAN and of the other member states. The member states then used the credibility of ASEAN to pressure Burma to relinquish its turn. This event proved to the regime that membership in the association alone would not produce the desired recognition that it had hoped to obtain. The regime realized that proving itself worthy of chairing the organization would grant the regime the credibility and legitimacy it wanted as a state in the international system.

Since the passing of the 2008 Constitution, Burma has positively progressed down a

liberalization path. Although neither free nor fair, the elections in 2010 produced many liberal reforms, which continued after Thein Sein took power as president in 2011. Also in 2011, the regime requested the right to chair ASEAN in 2014, two years before its scheduled turn. Burma wanted to prove to the international community that it was fulfilling the conditions necessary to be a legitimate actor in the system. The regime hoped that being granted the chair would show dialogue partners that Burma was to be trusted and respected. Despite the ongoing ethnic conflict, which has complicated Burmese politics, the time period since ASEAN granted Burma the right to the 2014 Chair has witnessed an exponential growth of liberal reforms, particularly within the civil society.

The framework and analysis developed in Part II is important for understanding the implications of the timing of democratization in Burma, as argued in Part III. The Burmese transition to democracy, viewed as a transformation, using Huntington's terminology, is important in understanding why the ASEAN Chair was of such high importance to the Burmese regime and why it wanted the chair in 2014. The analysis in Part II shows the military's continued stronghold on governing, even though transition has begun. Recognizing that democratization was a necessary condition for legitimacy and respected state sovereignty, the Burmese regime sought to use aspects of democracy to legitimize its own rule. The next set of national elections is scheduled for 2015, a year prior to the year Burma was originally scheduled to chair ASEAN. Because the regime ultimately viewed the Chair as the gateway to international legitimacy, it wanted to legitimize its own democratically facaded government. Chairing the organization in 2014, a year prior to the 2015 elections, would grant the current regime the legitimacy it desired.

The different components of Linz and Stepan's framework for transition and consolidation

when applied to Burma, further illustrate the current stronghold the military has on the affairs of the country. The constitution grants the military the ultimate power to dissolve the democratic government and re-administer military rule, and it reserves twenty-five percent of all seats in both houses for military elected representatives, giving the military the ultimate deciding voice in legislative decisions. The judiciary is not a separate branch and is controlled by military officials. The ethnic problem and issue of “stateness” is also a large hindrance to democratization in Burma. The determination of the current regime to centralize the government only increases tension between ethnic minorities and the government composed of mainly ethnic Burmans. Successful democratization cannot be achieved until the system becomes decentralized, acknowledging the rights of ethnic minorities, including their right to autonomous rule over their territories. Burma is comparable to Indonesia in ethnic diversity. Decentralization has proven to be effective there as part of the democratization process, so there is no reason why it cannot be successful in Burma as well.

Understanding the current status of Burma, still early in democratization process, and what hinders the country from progressing further or completing transition and eventually consolidating democracy, is useful in analyzing the theory behind the country's decision to democratize. Although Burma is only two years into its transition, which began with the 2012 by-elections, Burma has gained, to some extent, the international recognition it desired. Both the EU and US have relaxed diplomatic and economic sanctions on the country. The United States has changed its foreign policy with regards to Burma to one of engagement rather than isolation. Aung San Suu Kyi ran for and won a contested seat in the 2012 by-elections; subsequent dialogue between her and Thein Sein has been relatively open and cooperative. Most importantly, Burma did gain the ASEAN Chair at a summit meeting in Brunei in late

2013. Since officially becoming Chair in January 2014, Burma has proven itself capable of leading the organization. Burma has successfully held a Foreign Ministers Meeting and has planned a total of 280 meetings between the ASEAN ministers and between ASEAN and its dialogue partners.

Future Research: The successful opening up of the world's longest-running military dictatorship should not, however, be preemptively celebrated. As I have previously argued, Burma is still only two years into the successful start of a democratic transition, and there are still many hindrances to democratic progress. Unifying the country by resolving the ethnic problem, and amending the constitution, in order to produce the necessary political space for free and fair elections and a truly democratic government are the two main changes that must occur for transition to continue. Ethnic tension is mainly a result of the desire of the non-Burman ethnic communities to protect the autonomous rights they had before the Burmans attempted to centralize their newly independent state in order to maintain control over their new sovereign borders. Learning from the Indonesian example, democracy in Burma has a significant chance of success if the government decentralizes and grants ethnic-minority states autonomous rights with their own governing bodies. First, however, the regime must recognize the ethnic-minority states as legitimate members of the Burmese state, granting them equal rights as citizens of the country.

The 2008 Constitution, the other major hindrance to democratization, will need to be amended to eliminate the power of the military from politics. Without changes, the constitution will preclude any further progress in transition. The conditions of the constitution are not agreed upon by all actors. The military reserves the right to dissolve the democratic government and appoint twenty-five percent of the representatives in both houses. The constitution also prohibits people with foreign citizenship, or with family members holding foreign citizenship, from

becoming president. This is a mechanism to prevent Aung San Suu Kyi from obtaining the presidency. From one perspective, the 2008 Constitution represents a clear case of transition by transformation. Utilizing a top-down approach to democratization, the military has legitimized its power in codified law with a democratic facade. But the transformation has only begun, and must be completed by removing its undemocratic characteristics, in order to produce a successful democratic transition.

My argument that the regime desired the ASEAN Chair in order to obtain legitimacy as a respected and credible sovereign state is solidly supported by the evidence presented in this thesis. However, Burma's year as chair has just begun. Throughout 2014 it will be important to follow Burma's decisions as ASEAN Chair. It is equally as important to follow new domestic decisions and actions of the regime, either as form of reforms or setbacks. Furthermore, future research will be needed on domestic events leading up to the 2015 national elections. It will be important to analyze which actors will be able to run, how free and fair the elections are based on international standards and international observation teams, and how well the outcome is respected.

Finally, it will be important to investigate what reforms play a role in producing change in the 2015 national elections compared to the 2011 national elections. Comparing the democratic aspects of both elections will assist in evaluating how democratic Burma really has become, and how certain we can be that Burma will continue to democratize. If democratization in Burma continues and becomes successful, it will suggest additional research on the capabilities of regional organizations and how regional institutions can be used instead of unilateral sanctions or direct intervention to spread liberal reforms to other authoritarian governments. The Burmese case presents an interesting example for future policy makers and

researchers to consider when looking for the variables that can successfully promote democratic reform within other rogue states.

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